



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 16] नई दिल्ली, शनिवार, अप्रैल 17, 1965/चैत्र 27, 1887

No. 16] NEW DELHI, SATURDAY, APRIL 17, 1965/CHAITRA 27, 1887

इस भाग में भिन्न पृष्ठ संख्या दी जाती हैं जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

नोटिस

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 5th April, 1965:—

Issue No.	No. and Date	Issued by	Subject
63.	S.O. 1002, dated 29th March, 1965.	Central Board of Direct Taxes.	Corrigenda to S.O. 2567, dated 27th July, 1964.
	S.O. 1003, dated 29th March, 1965.	Do.	Corrigenda to S.O. 591, dated 15th February, 1965.
64.	S.O. 1086, dated 30th March, 1965.	Do.	The Income-tax (Fourth Amendment) Rules, 1965.
65.	S.O. 1087, dated 31st March, 1965.	Ministry of Home Affairs.	The Defence of India (Amendment) Rules, 1965.
66.	S.O. 1088, dated 31st March, 1965.	Ministry of Commerce	Declaring that certain provisions of the Forward Contracts (Regulation) Act, shall apply to non-transferable in specific delivery contract respect of goods mentioned therein.
	S.O. 1089, dated 31st March, 1965.	Do.	Declaration that no person shall enter into any non-transferable specific delivery contract in respect of goods mentioned therein.

Issue No.	No. and Date	Issued by	Subject
	S.O. 1090, dated 31st March, 1965.	Ministry of Commerce	Declaring that certain provisions of the Forward Contracts (Regulation) Act, shall apply to non-transferable specific delivery contract in respect of taramira seed oilcake.
	S.O. 1091, dated 31st March, 1965.	Do.	Declaration that no person shall enter into any non-transferable specific delivery contract in respect of taramira seed oilcake.
	S.O. 1092, dated 31st March, 1965.	Do.	Declaration that no person shall enter into any forward contract for sale etc. of chara or berseem.
	S.O. 1093, dated 31st March, 1965.	Do.	Declaring that certain provisions of the Forward Contracts (Regulation) Act shall apply to non-transferable specific delivery contract in respect of chara or berseem.
	S.O. 1094, dated 31st March, 1965.	Do	Declaration that no person shall enter into any non-transferable specific delivery contract for sale etc. of chara or berseem.
	S.O. 1095, dated 31st March, 1965.	Do.	Declaration that certain provisions of the Forward Contracts (Regulation) Act, shall apply to non-transferable specific delivery contracts in respect of Gur.
	S.O. 1096, dated 31st March, 1965.	Do.	Declaration that no person shall enter into any non-transferable specific delivery contract for sale etc. of Gur.
	S.O. 1097, dated 31st March, 1965.	Do.	Exempting all non-transferable specific delivery contract entered into by a cottonseed crusher for the sale of cottonseed oilcake.
67.	S.O. 1098, dated 1st April, 1965.	Ministry of Finance	Appointing Director of Enforcement etc. as officers of Enforcement.
	S.O. 1099, dated 1st April, 1965.	Do.	Appointing Shri B. N. Adarkar, Addl. Secy. as a member of the Foreign Exchange Board.
	S.O. 1100, dated 1st April, 1965.	Do.	Authorising all officers of Enforcement to exercise powers mentioned therein.
	S.O. 1101, dated 1st April 1965.	Do.	Authorising all officers of Enforcement to exercise powers mentioned therein.
	S.O. 1102, dated 1st April, 1965.	Do.	Authorising all officers of Enforcement to exercise powers mentioned therein.

Issue No.	No. and date	Issued by	subject
	S.O. 1103, dated 1st April, 1965.	Ministry of Finance	Authorising all officers of Enforcement to exercise powers specified therein.
68.	S.O. 1104, dated 1st April, 1965.	Ministry of Home Affairs.	Appointing a Commission of Inquiry for certain matters in relation to the Municipal Corporation of Delhi etc.
69.	S.O. 1105, dated 1st April, 1965.	Ministry of Steel and Mines.	Amendment to S.O. 770, dated 6th March, 1965.
70.	S.O. 1106, dated 1st April, 1965.	Central Board of Direct Taxes.	Extending the Expenditure-Tax Rules, 1958, to the Union Territories of Dadra and Nagar Haveli, Goa, Daman and Diu and Pondicherry.
	S.O. 1107, dated 1st April, 1965.	Do.	Extending Notification Nos. S.O. 959 and 960, dated 27th May, 1958 to the Union Territories of Dadra and Nagar Haveli, Goa, Daman and Diu and Pondicherry.
71.	S.O. 1108, dated 5th April, 1965.	Election Commission, India.	Calling upon the Mahbubabad Constituency in Andhra Pradesh to elect a person for a vacancy.
	S.O. 1109, dated 5th April, 1965.	Do.	Appointing dates etc. for the bye-election referred to in S.O. 1108 above.
	S.O. 1110, dated 5th April, 1965.	Do.	Appointing Hours for polling for the bye-election referred to in S.O. 1108 above.

ऊपर लिखे असाधारण गजटों की प्रतियाँ प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर दी जाएंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुँच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II—खण्ड 3 उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षामंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएँ।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

MINISTRY OF HOME AFFAIRS

New Delhi, the 6th April 1963

S.O. 1180.—The Central Government is pleased to notify that Yuvraj Shri Pruthvi Bhr Singh Deo son of Maharaja of Sonepur has been nominated by the said Ruler for the purpose of entry 2(b) of Schedule I annexed to the Ministry of Home Affairs Notification No. 15/13/59(V)-P. IV, dated the 13th July, 1962 (G.S.R. No. 991 published in the Gazette of India, Part II, Section 3, Sub-Section (ii), dated the 28th July, 1962).

[No. 16/22/64-P. IV.]
G. L. BAILUR, Under Secy.

गृह मंत्रालय

नई दिल्ली, 6 अप्रैल, 1965

एस० नो० 1181.—भारत सरकार को यह अधिसूचित करते हुए हर्ष है कि सोनपुर के महाराजा के पुत्र युवराज श्री पृथ्वी बीर सिंह देव उक्त शासक द्वारा गृह मंत्रालय की 13 जुलाई 1962 की अधिसूचना संख्या 15/13/59(IV)पी०IVके साथ संलग्न प्रथम अनुसूची की प्रविष्टि 2(बी) [भारत के राजपत्र भाग II खण्ड उपखण्ड (II) दिनांक 28 जुलाई 1962 में प्रकाशित जी० एस० आर० 991] के लिये नामित किये गये हैं।

[संख्या 16/22/64-पुलिस--IV]

जी० एल० बेलूर,
अवर सचिव, भारत सरकार

New Delhi, the 8th April 1965

S.O. 1182.—In exercise of the powers conferred by section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby extends upto the 15th July, 1965, the period of time within which the Commission of Inquiry appointed by the Government of India in the Ministry of Home Affairs, by notification No. S.O. 173, dated the 8th January, 1965, shall complete the inquiry into the matters specified in the notification mentioned above and report to the Central Government.

[No. 9/28/64-T(Pt. XIV).]

ASOKA SEN, Jt. Secy.

ORDER

New Delhi, the 6th April 1965

S.O. 1183.—In exercise of the powers conferred by sub-section (1) of section 5 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government hereby extends the powers and jurisdiction of members of the Delhi Special Police Establishment to the States of Gujarat, Maharashtra, Madras, Orissa, Punjab and Uttar Pradesh, for the investigation of any offences specified in the Schedule hereto annexed.

THE SCHEDULE

- (1) Offences punishable under section 9 of the Opium Act, 1878 (1 of 1878).
- (2) Offences punishable under sections 10, 11, 12, 13, 14, 15, 16, 17, 19, 20 and 21 of the Dangerous Drugs Act, 1930 (2 of 1930).

[No. 228/1/65-AVD-II.]

A. P. VEERA RAGHAVAN, Dy. Secy.

MINISTRY OF INDUSTRY & SUPPLY

(Department of Industry)

ORDER

New Delhi, the 8th April 1965

S.O. 1184/IDRA/6/7.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with rules

5(1) and 8 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints, till the 13th October, 1965, Colonel S. Gopalakrishnan, to be a member of the Development Council established by the Order of the Government of India in the late Ministry of Industry No. S.O. 3022, dated the 14th October, 1963, for the scheduled industries engaged in the manufacture or production of Drugs & Pharmaceuticals and directs that the following amendment shall be made in the said Order, namely:—

In the said Order, for entry No. 22, relating to Col. Ved Parkash, the following entry shall be substituted, namely:—

22. Col. S. Gopalakrishnan, Dy. Director General (Equipment and Stores), Armed Forces Medical Services, 'F' Block, New Delhi.

[No. 1(10)/Dev. Councils/63.]

C. BALASUBRAMANIAM, Dy. Secy.

MINISTRY OF INDUSTRY AND SUPPLY

(Department of Industry)

(Indian Standards Institution)

New Delhi, the 2nd April 1965

S. O. 1185. In pursuance of sub-rule (2) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955, as amended in 1962, the Indian Standards Institution hereby notifies that the Standard Marks, details of which are given in the Schedule hereto annexed have been rescinded with effect from 1 April 1965.

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and Title of the Relevant Indian Standard	No. and Date of the Gazette Notification in which specifying of the Standard Mark was notified.
---------	-----------------------------	--------------------------	---	---

I

IS:1549



DRUM ONLY

Steel Drums and Kegs (Galvanized and Ungalvanized)

IS:1549-1960 Specification for Steel Drums and kegs (Galvanized and Ungalvanized)

S. O. 617 dated 25th March 1961.

IS:1549



KEG ONLY

[No. MD/17:2.]

New Delhi, the 5th April, 1965

S.O. 1186—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955 as amended in 1961, 1962 and 1964, the Indian Standards Institution hereby notifies that amendment(s) to the Indian Standard(s), given in the Schedule hereto annexed, have been issued under the powers conferred by sub-regulation (1) of regulation 3 of the said regulations.

THE SCHEDULE

Sl. No.	No. and title of the Indian Standard amended	No. and date of Gazette Notification in which the establishment of the Indian Standard was notified	No. & date of the Amendment	Brief particulars of the Amendment	Date from which the Amendment shall have effect
1	2	3	4	5	6
1	IS : 365-1952 Specification for Electric Hot Plates (<i>Tentative</i>).	S.R.O. 658, dated 26 March 1955.	No. 2, January 1965.	Page 2 of Amendment No. 1, December 63, line 1—Substitute the following for the existing matter: 'Fig. 2—Substitute the following for the existing lower portion of the figure :'	15 April 1965.
2	IS : 366-1955 Specification for Electric Irons (<i>Tentative</i>).	S.R.O. 458, dated 25 February 1956.	No. 2 December 1964.	Page 2 of Amendment No. 1, December, 1963, lines 1 and 2—Substitute the following for the existing matter : 'Fig. 2—Substitute the following for the existing lower portion of the figure and delete the informal table under it.'	15th April 1965.
3	IS : 367-1955 Specification for Electric Kettles for Domestic use (<i>Tentative</i>).	S.R.O. 458 dated February 1956.	No. 2 January 1965.	Page 2, lines 1 and 2 of Amendment No. 1, December 1963—Substitute the following for the existing matter : 'Fig. 2—Substitute the following for the existing lower portion of the figure and delete the informal table under it :'	15 April 1965.
4	IS : 395-1962 Specification for Lead-Acid Storage Batteries (Light Duty) for Motor Vehicles (<i>Second Revision</i>)	S.O. 2370 dated 24 August 1963.	No. 1 January 1965.	(i) Sub-clause 3.6.1.—Add the following at the end of the sub-clause : 'using water conforming to IS : 1069-1964 Specification for Water for Storage Batteries. (<i>Revised</i>).'	15 April 1965.

(ii) Sub-clause 6.9.2., first sentence—Substitute the following for the existing matter :

'After standing on open circuit at an ambient temperature of $0^{\circ} \pm 2^{\circ}\text{C}$ for a period sufficient for the electrolyte to reach the ambient temperature but not less than 12 hours, the battery shall be discharged while still under low temperature conditions, at a rate in amperes numerically equal to three times the 20-hour rating in ampere hours'.

- | | | | | | |
|---|--|--------------------------------|----------------------|---|----------------|
| 5 | IS : 486-1963 Specification for Brushes, Sash Tool, for Paints and Varnishes (Revised). | S.O. 2595 dated 1 August 1964. | No. 1 December 1964. | Page 10, third column against the trade name 'Iambapatti'—Substitute 'Planchonella' for 'Planchonilla.' | 15 April 1965. |
| 6 | IS : 939-1960 Specification for Snatch Block for Use with Fibre Rope for Fire Brigade Use. | S.O. 1515 dated 1 July, 1961. | No. 1 January 1965. | <p>(i) Clause 0.4—Delete reference to 'IS : 227-1954 Malleable Iron Castings' and substitute the following at the end :
'IS : 2107-1962 Specification for White-Heart Malleable Iron Castings.
IS : 2108-1962 Specification for Black-Heart Malleable Iron Castings'.</p> <p>(ii) Page 3, Table 1, entry in the third column against 'Distance Piece'—Substitute the following for the existing matter :
'(See Appendix A).
(Conforming to IS : 2107-1962 and IS : 2108-1962).'</p> | 15 April 1965. |
| 7 | IS : 985-1962 Specification for Lead-Acid Storage Batteries (Heavy Duty) for Motor Vehicles. | S.O. 1513 dated 26 May 1962. | No. 2 January 1965. | <p>(i) Sub-clause 3.6.1.—Add the following at the end of the sub-clause :

'using water conforming to IS : 1069-1964 specification for Water for Storage Batteries (Revised)'</p> <p>(ii) Clause 4.3. (Amendment No. 1 of November 1962)—The existing informal table has been substituted by a new one.</p> | 15 April 1965. |

1	2	3	4	5	6
				(iii) Sub-Clause 5.10.1, first sentence—Substitute the following for the existing matter : 'After standing on open circuit at an ambient temperature of $0^{\circ} \pm 2^{\circ}\text{C}$ for a period sufficient for the electrolyte to reach the ambient temperature but not less than 12 hours, the battery shall be discharged, while still under low temperature conditions, at a rate in amperes numerically equal to 2.5 times the 10-hr. capacity for PSV batteries and 3.3 times the 10-hour capacity for CV batteries'.	
8	IS : 1357-1961 Technical Supply conditions for Threaded Fasteners.	S.O. 1267 dated 28 April 1962.	No. 2 December 1964.	The existing clause 8.1. has been substituted by a new one.	15 April 1965.
9	IS : 1923-1963 Specification for Cotton Selvage Tape for Electrical Insulation Purposes (<i>Revised</i>).	S.O. 1102 dated 28 March 1964.	No. 1 January 1965.	Clause '7.1, item (a) Substitute 'Ref ISS 1923' for 'Ref IS : 1923'.	15 April 1965.
10	IS : 1998-1962 Methods of Test for Thermosetting Synthetic Resin Bonded Laminated Sheets.	S.O. 1573 dated 26 May 1962.	No. 1 December 1964.	Page 6, clause 4.1.—Delete the existing second sentence.	15 April 1965.
11	IS : 2294-1963 Specification for Wood-ruff Keys and Keyslots.	S.O. 2647 dated 14 September, 1963.	No. 1 January 1965.	Page 3, clause 3.4, line 1—Substitute 'P9 for 'P 8'.	15 April 1965.
12	IS : 2 613-1964 Specification for Cotton Drill (Non-Waterproofed) for Umbrellas.	S.O. 1840 dated 30 May 1964.	No. 1 December 1964.	Page 8, clause 6.6., item (c)—Substitute 'X' for 'X' and 'R1' for 'R' wherever they appear in this item.	15 April 1965.
13	IS : 2628 (Part I)-1964 Specification for Rotary Wafer Switches (Low Current Rating) Part I Tests and General Requirements.	S.O. 1840 dated 30 May 1964.	No. 1 February 1965.	(i) Clause 3.2, fourth entry in the informal table under 'Category II', against 'Damp heat (accelerated)'—Substitute '6 Cycles' '2 cycles'. (ii) Clause 4.1., line 1—Substitute 'article' for 'specific'. (iii) Sub-clause 7.1.2, line 3—Substitute 'plate' for 'mounting plate'.	15 April 1965. †

14	IS : 2689-1964 Specification for Batch Pasteurizer (Stainless Steel).	S.O. 2874, dated 22 August 1964.	No. 1 January 1965.	Page 3, third line of the title from the top— Substitute. 'PASTEURIZER' for 'PASTEURIZERS'	15 April 1965.
15	IS : 2701-1964 Specification for Brush, Carriage Washing (Without Handle).	S.O. 3329, dated 19 September 1964.	No. 1 December 1964.	(i) Page 7, third column against the trade name 'aini'—Substitute ' <i>Artocarpus hirsuta</i> Lamk., fam. Moraceae' for ' <i>Artocarpus hirsuta</i> Lamk., fam. Moraceae'. (ii) Page 8, third column against the trade name 'Dhaman'—Substitute ' <i>Grewia</i> ', for ' <i>Crewia</i> '. (iii) Page 8, first column last entry, 'toon' Substitute 'toon' for ' <i>toon</i> '.	15 April 1965.

Copies of these amendment slips are available free of cost, with the Indian Standards Institution, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-1 and also its branch offices at (i) Bombay Mutual Terrace, First Floor, 534, Sardar Vallabhbhai Patel Road, Bombay-7, (ii) Third and fourth Floor Chowringhee Approach, Calcutta-13, (iii) Second Floor Sathyamurthi Bhavan, 54, General Patters Road, Madras 2. and (iv) 14/69 Civil Lines, Kanpur.

[No. MD/1315.]

D. V. KARMARKAR,
Joint Director (Marks).

MINISTRY OF STEEL & MINES

(Department of Mines and Metals)

New Delhi, the 2nd April, 1965

S.O. 1187.—Whereas by the Notification of the Government of India in the late Ministry of Mines and Fuel S.O. No. 1974 dated the 6th July, 1963, under sub-section (i) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to prospect for coal in the lands in the locality specified in the Schedule appended to that Notification.

And whereas the Central Government is satisfied that coal is obtainable in the whole or any part of the said lands.

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire.

(a) the lands measuring 235.00 acres (approximately) or 95.18 hectares (approximately) described in Schedule A appended hereto; and

(b) the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 40.00 acres (approximately) or 16.20 hectares (approximately) described in the Schedule B appended hereto.

The plans of the area covered by this notification may be inspected in the office of the Deputy Commissioner, Dhanbad (Bihar) or in the office of the Coal Controller, 1, Council House Street, Calcutta or in the Office of the National Coal Development Corporation Limited (Revenue Section), Darbhanga House, Ranchi (Bihar).

Any person interested in the aforesaid lands may within thirty days of the issue of this Notification file objection to the acquisition of the whole or any part of the lands or of any rights or over such lands to the Coal Controller, 1, Council House Street, Calcutta.

SCHEDULE 'A'

Central Jharia Block-'B'

Sub-Block-I

All Rights

Drg. No. Rev/8/65
Dated 3-3-1965

(showing lands are to be acquired)

Sl. No.	Village	Thana	Thana Number	District	Area	Remarks
1.	Manidi	Jharia	85	Dhanbad		Part
2.	Garbhudih	"	86	"		"
3.	Bardubhi	"	92	"		"
4.	Baludih	"	93	"		"
5.	Dubrajpur	"	94	"		"
6.	Jatudih	"	104	"		"

Total area: 235.00 acres (approximately)
OR 95.18 hectares (approximately)

Plot numbers to be acquired in village Manidi :

739(P), 759(P), 760(P), 762(P), 763 to 775, 776(P), 777(P), 778(P), 787(P), 798(P), 799, 800, 801, 802, 803, 804(P), 819(P), 820, 821(P), 822(P), 823, 824(P), 825(P), 826(P), 827(P), 828 to 848, 849(P), 850, 851(P), 852(P), 858(P), 859 to 889, 890(P) and 891(P).

Plot numbers to be acquired in village Garbhudih:

1(P), 2(P), 325(P), 326(P), 327(P), 328(P), 329(P), 330, 331, 332, 333(P), 606(P), 607 to 612, 613(P), 614(P), 615 to 625, 626(P), 628(P), 629(P), 630, 631(P), 632, to 643, 644(P), 760(P), 761(P), 762, 825 to 836, 837(P), 838(P), 841(P), 842(P), 843, 844, 845, 846, 847(P), 850(P), 852(P), 853(P), 861(P), 862(P), 863(P), 864(P), 865(P), 867, 868, 877(P), 878, 879 to 884, 885(P), 886, 887, 888, 891(P), 892, 893(P), 898(P), 899(P) and 900(P).

Plot numbers to be acquired in village Bardubhi :

493(P), 494(P), 495(P), 496(P), 497 to 504, 505(P), 506, 507, 508(P), 509(P), 510(P), 537(P), 538(P), 540(P), 541(P), 542, 543, 544, 545(P), 546(P), 547(P), 548 to 570, 571(P), 573(P), 574, 575, 576(P), 577(P), 579(P), 580(P), 637(P), 638, 639(P), 640 to 659, 665(P), 666, 667(P), 668(P), 669(P), 670, 671(P), 672, 673(P) and 674(P).

Plot numbers to be acquired in village Baludih :

18(P), 19, 20, 21(P), 22, 23, 24, 25, 26(P), 29(P), 30(P), 31(P), 32, 33(P), 34, 35(P), 36(P), 37 (P), 42(P), 62(P), 70(P), 71, 72(P), 73(P), 74(P), 75, 76, 77(P), 83(P), 84(P), 85(P), 86(P), 87(P), 88, 89, 90, 91, 92, 93, 94(P), 95(P), 96 to 112, 113(P), 114 to 135, 136(P), 137, 138, 139, 141(P), 142(P), 156(P), 165(P), 166(P), 180, 182, 183 and 184

Plot numbers to be acquired in village Dubrajpur :

1, 2(P), 3 to 39, 40(P), 44(P), 45(P), 46(P), 47(P), 66(P), 67(P), 68, 69, 70, 71, 72(P), 73(P), 74, 75, 76, 77, 78, 79(P), 80, 92(P), 93 to 102, 109(P), 110, 111, 112, 113, 114(P), 115 to 119, 120(P), 121(P), 122(P), 144(P), 163(P), 166(P), 167(P), 168(P), 169(P), 176(P) & 180(P).

Plot numbers to be acquired in village Jatudih:

1(P) and 541(P).

Boundary Description: of Sub-Block 'I'.

A—B line passes along the part central line of Bansjoria river and meets at point 'B'.

B—C line passes along the part common boundary of villages Garbhudih and Saraidaha and then through plot nos. 333, 613, 614, 626, 631, 628, 629, 631, 644, 837, 838, 841, 842, 853, 852, 850, 847, 865, 862, 863, 864, 885, 861, 891, 893, 898, 899, 900, in village Garbhudih and through plot Nos. 890, 891, in village Manidi and through plot Nos. 120, 121, 122, 144, 109, in village Dubrajpur and meets at point 'C'.

C—D—E—F—G—H lines pass through plot No. 109, along the western boundary of plot No. 108, through plot Nos. 109, 114, along Northern Boundary of Plot No. 103, through plot No. 92, along the Northern boundary of plot No. 86, along the Southern Boundary of plot No. 78, through plot No. 79, along the Northern Boundary of plot No. 81 in village Dubrajpur and through plot No. 21 in village Baludih and through plot Nos. 168, 167, 166, 163, and 180, in village Dubrajpur (which is part common boundary of Sub-Block III Mining Rights) and meet at point 'H'.

H—I line passes through plot Nos. 180, 166, 167, 176, 169, in village Dubrajpur through plot No. 113, in village Baludih and through plot Nos. 493, 494, 496, 495, 509, 510, 508, 505, 541, 540, 545, 546, 547, 538, 537, 571, 573, 580, in village Bardubhi and meets at point 'I'.

I—J line passes through plot Nos. 580, 573, 579, 576, 577, 639, 637, 673, 674, 671, 669, 668, 660, 667, 665, in village Bardubhi and through plot No. 541 in village Jatudih and meets at point 'J'.

J—K line passes through plot No. 541, in village Jatudih, and meets at point 'K'.

K—L—M lines pass along the Southern Boundary of Plot No. 5, through plot Nos. 541, 1, in village Jatudih, through plot No. 665, along the Southern Boundary of plot No. 661, along the Southern and Western Boundary of plot No. 660, in village Bardubhi, through plot Nos. 156, 166, along

the part Southern Boundary of plot No. 166, through plot Nos. 165, 136, along the Northern Boundary of plot Nos. 137, 139, through plot Nos. 141, 142, along the Western Boundary of Plot Nos. 143, 145, 146, and 61 in village Baludih and meet at point 'M'.

M—N line passes through plot Nos. 62, 95, 94, 87, 86, 83, 84, 85, 86, 77, 74, 77, 72, 70, 42, 37, 36, 35, 33, 31; 30; 29; 26; 18; in village Baludih; through Plot Nos. 73, 72, 66, 67, 46, 47, 46, 45, 44; 40; 2; then along Northern Boundary of plot Nos. 1, in village Dubrajpur and through plot Nos. 858, 852, 851, 849, along the Northern Boundary of Plot No. 848, through plot Nos. 819, 821, 822, 824, 825, 826, 827, 804; 798; 787, 776, 777, 778, 760, 759, 739, 762, in village Manidi and through plot Nos. 760, 761 in village Garbhudih [which is the part common boundary of Central Jharla Block—Extn. acquired under section 9(1) of Coal Bearing Areas (Acquisition and Development) Act, 1957 vide S.O. 363 dated 20th January, 1964] and meets at point 'N'.

N—O—P lines pass through plot No. 761, along the Western Boundary of Plot No. 762, through Plot No. 877, along the Southern Boundary of plot Nos. 874, 873, 872—Part Southern Boundary of plot No. 871, along Eastern Boundary of Plot No. 869, Eastern, Southern, and Western Boundary of plot No. 824, along Southern Boundary of plot Nos. 691, 670, 669, 668, Part Western Boundary of Plot No. 668, along Southern Boundary of plot Nos. 667, 662, 661, 656, 655, 645, 646, 647, along Southern and Western Boundary of plot Nos. 605 & 603 in village Garbhudih and meet at point 'P'.

P—A line passes through plot Nos. 606, 333, 329, 328, 327, 326, 325, 2, and 1, in village Garbhudih [which is the part common boundary of Central Jharla Block—Extn. acquired under section 9(1) of Coal Bearing Areas (Acquisition and Development) Act, 1957 vide S.O. 363 Dated 20th January, 1964] and meets at point 'A'.

SCHEDULE—B

Central Jharla Block—'B'

Sub-Block-II

Drg. No. Rev/8/65
Dated 3-3-1965

'Mining Rights'

(showing lands where rights, to mine, quarry, bore, dig, search win, work and carry away minerals are to be acquired.)

Sl. No.	Village	Thana	Thana District Number	Area	Remarks
1.	Garbhudih	Jharla	86	Dhanbad	Part

Total area: 18.90 acres (approximately) OR
7.65 hectares (approximately).

Plot numbers to be acquired in village Garbhudih :

603(P), 604(P), 605, 645, 646, 647, 648(P), 649(P), 650(P), 651(P), 652(P), 653(P), 654, 655, 656, 657, 658(P), 659(P), 660(P), 661, 662, 663(P), 664(P), 665(P), 666(P), 667, 668, 669, 670, 671(P), 672(P), 673(P), 674, 675, 676, 677, 679(P), 680(P), 681(P), 682 to 696, 697(P), 700(P), 701, 702, 703, 704(P), 707(P), 708, 709, 710, 711(P), 714(P), 715, 716, 717, 718, 719, 720, 721(P), 722(P), 761(P), 763 to 792, 793(P), 794, to 824, 869 to 876 and 877(P).

Boundary Description of sub-Block-II

P—O—N lines pass along the Southern and Western Boundary of plot Nos. 803, 605, Southern boundary of plot Nos. 647, 646, 645, 655, 656, 661, 662, 667, Part Western Boundary of plot No. 668, Southern boundary of

Plot Nos. 668, 669, 676, 691, Western, Southern and Eastern Boundary of plot No. 824, along Western Boundary of plot No. 869, Part Southern Boundary of plot No. 871, along Southern Boundary of plot Nos. 872, 873, 874, through plot No. 877, along the Western Boundary of plot No. 762, through plot No. 761, in village Garbhudih (which is part common boundary of Sub-Block—I All Rights) and meet at point 'N'.

N—P line passes through plot Nos. 761, 793, 721, 722, 714, 711, 707, 704, 700, 697, 681, 680, 679, 673, 672, 671, 666, 665, 663, 664, 659, 660, 658, 653, 652, 651, 650, 649, 648, 604, 603, in village Garbhudih [which is part common boundary of Central Jharia Block—Exten. acquired U/S-9(1) of Coal Bearing Areas (Acquisition and Development) Act, 1957 vide S.O. 363 dated 20th January, 1964] and meets at point 'P'.

SUB-BLOCK-III

'Mining Rights'

Sl. No.	Village	Thana	Thana Number	District	Area	Remarks
1.	Baludih	Jharia	93	Dhanbad		Part
2.	Dubrajpur	"	94	"		"
				Total Area:	7.80 acres (approximately) or 3.16 hectares (approximately)	

Plot number to be acquired in village Baludih :

21(P).

Plot numbers to be acquired in village Dubrajpur :

79(P), 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92(P), 103, 104, 105, 106, 107, 108, 109(P), 114(P), 145(P), 155(P), 156(P), 157, 158, 159, 160, 161, 162, 163(P), 164, 165, 166(P), 167(P), 168(P), and 180(P).

Boundary Description of Sub-Block—III

C—H line passes through plot Nos. 109, 145, 156, 155, 180, in village Dubrajpur and meets at point 'H'.

H—C—F—E—D—C lines pass through plot Nos. 180, 163, 166, 167, 168, in village Dubrajpur through plot No. 21 in village Baludih, along the Northern Boundary of plot No. 81, through plot No. 79, along the Southern boundary of plot No. 78, along the Northern boundary of plot No. 86, through plot No. 92, along Northern Boundary of plot No. 103, through plot Nos. 114 and 109, along Western Boundary of plot No. 108, through plot No. 109, in village Dubrajpur (which is Part common boundary of Sub-Block—III Mining Rights) and meet at point 'C'.

SUB-BLOCK-IV

'Mining Rights'

Sl. No.	Village	Thana	Thana No.	District	Area	Remarks.
1.	Bardubhi	Jharia	92	Dhanbad		Part.
2.	Baludih	"	93	"		"
3.	Jatudih	"	104	"		"
				Total area:-	13.30 acres (approximately) or 5.39 hectares (approximately).	

Plot numbers to be acquired in village Bardubhi :

660, 661, 662, 663, 664, and 665(P).

Plot numbers to be acquired in village Baludih :

611(P), 136(P), 140, 141(P), 142(P), 143, 144, 145, 146, 147(P), 148(P), 149, 150(P), 151(P), 152, 153(P), 155(P), 156(P), 157, 158, 159, 160, 161, 162, 163, 164, 165(P), 166(P), 167, 168, 169, 170, 171(P), 172(P), 175(P), 176(P), and 178.

Plot numbers to be acquired in village Jatudih :

1(P), 2(P), 3(P), 4(P), 5(P), and 541(P).

Boundary Description of Sub-Block—IV

M—L—K lines pass along the Western Boundary of plot Nos. 61, 146, 145, 143, through plot Nos. 142, 141, along the Northern boundary of plot Nos. 139, 137, through plot Nos. 136, 165, along the part Southern Boundary of plot No. 166, through plot Nos. 166, 156, in village Baludih, Southern and Western Boundary of plot No. 661, through plot No. 665 in village Bardubhi, through plot Nos. 1, 541, along the Southern Boundary of plot No. 541 in village Jatudih and meet at point 'K'.

K—M line passes through plot Nos. 5, 4, 3, 2, 1, in village Jatudih and through plot Nos. 176, 175, 171, 172, 155, 153, 151, 150, 148, 147, 61, in village Baludih and meets at point 'M'.

[No. C2-20(16)/63.]

New Delhi, the 3rd April, 1965

S.O. 1188.—In exercise of the powers conferred by section 4, read with sub-section (1) of section 28, of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby rescinds the notification of the Government of Madhya Pradesh in the Revenue Department No. 3747-CR-355/XII-56 dated the 26th June, 1956.

[No. C2-22(19)/63.]

K. SUBRAHMANYAN, Under Secy.

(Department of Iron and Steel)

CORRIGENDUM

New Delhi, the 6th April, 1965

S.O. 1189/ESS/COMM/IRON & STEEL/65.—In the Notification of the Government of India in the Ministry of Steel and Mines (Department of Iron and Steel) No. S.O. 1105/ESS/COMM/Iron & Steel/65 dated the 1st April, 1965 published in Part II, Section 3, Sub-Section (ii) of the Gazette Extraordinary dated the 1st April, 1965, please insert:—

(A) In Schedule No. IV (Prime Quality Steel and Semis) against S. No. (1) under off-grade in Column II and Column III

For 565 Read 550 and For 580 Read 565.

(B) In Part IV of Conditions of sale

For "PRODUCTS" Read "PRODUCERS".

[No. SC(C)-2(44)/63-II.]

A. N. RAJAGOPALAN, Under Secy.

MINISTRY OF HEALTH

New Delhi, the 7th April 1965

S.O. 1190.—The following draft rules further to amend Drugs and Cosmetics Rules, 1945, which the Central Government, after consultation with the Drugs Technical Advisory Board, propose to make, in exercise of the powers conferred by sections 12 and 33 of the Drugs and Cosmetic Act, 1940 (23 of 1940) are published, as required by the said sections for the information of all persons likely

to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration on or after the 30th June, 1965.

Any objections or suggestions which may be received from any person with respect to the said draft rules before the date so specified will be considered by the Central Government.

DRAFT RULES

1. These rules may be called the Drugs and Cosmetics (Amendment) Rules, 1965.

2. In the Drugs and Cosmetics Rules, 1945, in Schedule F, after Part XII-A, the following Part shall be inserted, namely:—

"PART XII-B.

EQUIPMENT AND SUPPLIES FOR A BLOOD BANK BLOOD DONOR ROOM

A. Donor Room equipment:

1. Donor beds or tables.—The top of the bed or the table shall be padded with heavy felt or foam rubber and shall be covered with a washable plastic material. The top of the bed or the table shall be sufficiently wide to give support to the arm of the donor. The table shall also be suitable to the requirements besides being comfortable.
2. Bed side stand.
3. Sphygmomanometer and stethoscope.
4. Shaking apparatus.
5. Recovery bed—about 50 cm. in height.
6. Accessory items.—These include blankets, emesis basins, hemostats, donor set clamps, sponge forceps, dressing jars, solution jars, waste cans and adjustable lamps.

B. Blood collection supplies:

Donor sets with needles, donor bottles, lancets for haemoglobin and pilot tubes shall be fully sterile, free from pyrogen and ready for being used.

1. Haemoglobin determination:

- (a) Copper sulphate solution, specific gravity 1.050.
- (b) Sterile lancets.
- (c) Capillary tubing 1.3—1.4 x 65 mm or pasteur pipettes.
- (d) Rubber bulbs for capillary tubings.
- (e) Sahlif's Haemoglobinometer.

2. Temperature and pulse determination:

- (a) Clinical thermometers.
- (b) Equipment and material for cleaning and sterilising a thermometer.
- (c) Watch fitted with a second-hand needle.

3. Donor blood bottles.

4. Blood donor collection sets.

5. Sterile pilot tubes for being attached to the donor bottle.

6. Hypodermic syringes 2 cc. and 1.58 cm. needles of 25 s.w.g.

7. Cotton gauze squares (5 cm. x 5 cm.) medium cotton balls, 1.25 cm. adhesive tape.

8. Solutions.—Alcohol 70 per cent; tincture of green soap or hexachlorophene liquid soap; procaine 1 per cent; tincture iodine.

9. Paper napkins or towels.

10. Ethyl chloride Spray.

Canteen equipment:—

Provision for serving some kind of refreshments to the donor after phlebotomy may also be made so that he may be kept for observation in the blood bank for unfavourable reactions.

D. Emergency equipment:

1. Small oxygen cylinder with mask, gauge and pressure regulator.
2. Plasma and/or albumin (Human).
3. Sterile syringe and needle.
4. Ampoules of epinephrine, aromatic ammonia, calcium gluconate, atropine, distilled water, Nikethamide and Nor-adrenaline ampoules.
5. Aspirin.

LABORATORY**A. Equipment:**

1. Refrigerators maintaining a temperature between 4° to 10°, with as little as possible deviation in temperature.
2. Alarm system for alerting a person on duty in the event of very high deviation in temperature or failure of the machine.
3. Recording thermometer for refrigerator.
4. Charts and ink for recording thermometer.
5. Microscope, compound with low power and high dry objective.
6. Centrifuges—Table model for blood grouping and cross matching.
7. Water baths—one for 37°C and another for 56°C.
8. Rh Viewing box. The surface of viewing glass shall not have 'hot spots' and its temperature shall not exceed 47°C.
9. Incubator, bacteriological for control cultures.
10. Mechanical shakers for serological tests for syphilis.
11. Hand lens for observing tests conducted in tubes.
12. Pipettes, serological, 1.0 cc. graduated in .001, .01, 0.2 cc.
13. Pipettes, pasteur.
14. Glass slides, glass plates and/or porcelain deep wells or plates.
15. Test tubes, serological, 13 x 100 mm.
16. Test tube racks.
17. 15 cm. applicators and toothpicks.
18. Interval timer, electric or spring wound.
19. Equipment and materials for cleaning glassware adequately.
20. Shipping containers.

B. Reagents:

1. Blood grouping sera, anti-A, and anti-B and Anti-AB, all in double quantity and each of a different brand, or if from the same supplier, each supply should be of a different lot number.
2. Rh typing sera. All in double quantity and each of a different brand, or if from the same Supplier, each supply should be of a different lot number.
3. Reagents for serological tests for syphilis and positive sera for controls.
4. Anti-human globulin serum. (Coombs serum) for confirming cross-matches, determining Rh negative blood and performing antibody tests.
5. Albumin, human or bovine, 30 per cent for tests requiring high protein concentration.
6. 0.9 per cent saline.
7. Culture media and tubes.
8. Wax pencils and labels.
9. Detergents and other agents for cleaning laboratory glassware.

CENTRAL SUPPLY**1. Autoclave.**

2. Temperature recorder. (The autoclave should be equipped with a temperature recording device which gives a record of the temperature and length of time for each sterilization).

TECHNICAL STAFF

1. A medical graduate having experience in blood bank.
2. Registered nurse—one,
3. Blood bank technician having experience in blood grouping and serology work.
4. One Assistant.
5. One Attendant.

ACCOMMODATION FOR BLOOD BANK

Minimum total area should be 93 square Metres.

Six Rooms:

- (1) Registration and medical examination room.
- (2) Donor letting room.
- (3) Room for laboratory.
- (4) Room for sterilizing and washing.
- (5) Refreshment room.
- (6) Room for keeping records and stores.

LABEL FOR WHOLE BLOOD

Label on the container should state:

- (1) The date on which blood is drawn, and the date of expiry which shall not be more than 21 days from the date the blood is drawn.
- (2) The ABO group.
- (3) A statement whether Rh group has or has not been determined.
- (4) The total volume of fluid, the proportion of blood and the nature and percentage of anticoagulant and of any other material introduced.
- (5) The date after which the preparation is not suitable for transfusion.
- (6) That the contents should not be used if there is any visible evidence of deterioration.
- (7) Name of blood Bank.
- (8) Address.

COLOUR SCHEME FOR LABELS

The following colour scheme for labels may be used for different groups:—

GROUP	COLOUR OF LABEL
O	Blue
A	Yellow
B	Pink
AB	White

Precautionary Measures:

- (1) Keep continuously at 4° to 10°C; preferably 4° to 6°C.
- (2) Cross match before using.
- (3) Administer without warning.
- (4) A filter must be used in administration equipment.
- (5) Shake gently for 2 minutes (by the clock) before using.
- (6) Do not add other medication to the bottle of blood except immediately prior to administration.
- (7) Check blood group on label and recipient's group before administration.
- (8) Use a fresh, clean and sterile transfusion set to transfuse the blood.
- (9) Do not dispense without prescription.

New Delhi, the 8th April 1965

S.O. 1191.—In pursuance of sub-section (7) of section 33C of the Drugs and Cosmetics Act, 1940 (23 of 1940), the Central Government hereby appoints Dr. C. Dwarkanath, Adviser in Indigenous Systems of Medicine, Ministry of Health to be the Secretary of the Ayurvedic and Unani Drugs Technical Advisory Board.

[No. F. 4-11/64-D.]

S.O. 1192.—In pursuance of sub-sections (1) and (2) of section 33C of the Drugs and Cosmetics Act, 1940 (23 of 1940), the Central Government hereby nominates Vaidya Rajeshwar Dutt Shastri, as a member of the Board and makes the following amendments in the notification of the Government of India, in the Ministry of Health No. F. 4-11/64-D, dated the 11th December, 1964, namely:—

Under the heading "Nominated by the Central Government, for entry 14", the following entry shall be substituted, namely:—

"14. Vaidya Rajeshwar Dutt Shastri, Retired Director of Research, College of Ayurveda, Banaras Hindu University, VARANASI."

[No. F. 4-11/64-D.]

AMAR NATH VARMA, Under Secy.

MINISTRY OF TRANSPORT

(Transport Wing)

PORTS

New Delhi, the 6th April, 1965

S.O. 1193.—In pursuance of sub-section (3) of Section 6 of the Bombay Port Trust Act, 1879 (Bombay Act 6 of 1879), the Central Government hereby publishes the following return received from the Maharashtra Chamber of Commerce:—

Return showing the name of the person elected in accordance with the provisions of the Bombay Port Trust Act, 1879, to be member of the Board of Trustees of the Port of Bombay for a period of two years from the 1st April, 1965.

<i>Name of the Electing Body.</i>	<i>Name of the person elected</i>
Maharashtra Chamber of Commerce.	Shri S. M. Dahanukar.

[No. 8-PG(3)/65.]

R. RANGARAJAN, Under Secy.

DEPARTMENT OF COMMUNICATIONS

(P. & T. Board)

New Delhi, the 6th April, 1965

S.O. 1194.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director-General, Posts and Telegraphs, hereby specifies the 1st May, 1965 as the date on which the Measured Rate System will be introduced in Eluru Telephone Exchange.

[No. 31/11/65-PHB.]

S. K. SEN,
Assistant Director General (PHB).

संचार विभाग
(डाक-तार बोर्ड)

नई दिल्ली, 6 अप्रैल 1965

एस० ओ० 1195.—1951 के भारतीय तार नियमों के नियम 434 के खंड III के पैरा (ए) के परिपालन में महानिदेशक, डाक-तार ने 1 मई 1965 ऐलूरू टेलीफोन केन्द्र में प्रमाणित दर प्रणाली लागू करने का तारोद्य निश्चित की है।

[क्रम संख्या 31/11/65 (पी० एच० बी०)]

एस० के० मेन,
सहायक महानिदेशक (पी० एच० बी०)

MINISTRY OF REHABILITATION

(Office of the Chief Settlement Commissioner)

New Delhi, the 3rd April 1965

S.O. 1196.—The displaced persons and non-displaced persons could associate the claims of others towards adjustment of the purchase of a composite property or any part thereof upto 31st March, 1965. The date for association of claims on regional basis has now been extended upto September 30, 1965.

ORDER

In the order issued in pursuance of Rule 11-D(D)(A) of the Evacuee Interest (Separation) Rules, 1951 vide notification No. 5(24)/59-Prop.II.Comp.&Prop. dated the 30th September, 1964 for the words and figures "31st March, 1965" the words and figures "30th September, 1965" shall be substituted.

[No. 5(24)/59-Prop.II.Comp.&Prop.]

M. J. SRIVASTAVA, Settlement Commissioner and
Ex-Officio Under Secy.

MINISTRY OF LABOUR & EMPLOYMENT

New Delhi, the 6th April 1965

S.O. 1197.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Hyderabad, in the industrial dispute between the employers in relation to the Ramakrishnapur Division of the Singareni Collieries Company Limited, Post Office Mandamarl (Andhra Pradesh) and their workmen, which was received by the Central Government on the 2nd April, 1965.

BEFORE THE HON'BLE INDUSTRIAL TRIBUNAL, ANDHRA PRADESH,
HYDERABAD

PRESENT:

Dr. Mir Siadat Ali Khan, M.A., LL.B., Fazel (Osm.); B.C.L., (Oxon);
D. Phil., (Oxon); Bar-at-Law; (Lincoln's Inn) (London); Chairman,
Industrial Tribunal, Andhra Pradesh, Hyderabad.

INDUSTRIAL DISPUTE No. 9/1965:

BETWEEN

Workmen of Singareni Collieries Company Ltd., Mandamarl.

AND

The Management of Singareni Collieries Company Ltd., Mandamarl.

APPEARANCES :

Sri S. Narayana Reddy, General Secretary, Andhra Pradesh Colliery Mazdoor Sangh,—for the Workmen.

Sri S. P. Ahuja, Agent, Ramakrishnapur Division, Singareni Collieries Company Ltd.,—for the Management.

AWARD

By the Government of India, Ministry of Labour & Employment's Letter No. 7/33/64/LR II dated 27th January 1965 the industrial dispute between the Ramakrishnapur Division of the Singareni Collieries Company Ltd., Mandamari and their workmen was referred with the following issues framed, viz.,

"1. Whether, in view of the actual work performed by Shri K. Venkat Rao, S. Malliah, T. Rayamallu, and B. Rajam they are entitled for Category IV wages with effect from the 1st July 1963? If so, to what relief are these workmen entitled?

2. In view of the difficult conditions in Ramakrishnapur group of Mines of the Singareni Collieries Company Limited, whether the demand of the workmen, working in low-seams and water places, for difficulty allowance is justified? If so, to what relief are the workmen entitled?"

2. The reference was registered here as industrial dispute No. 9/1965 and before the employer filed the counter the parties have reached a compromise and filed it. I have satisfied myself that the compromise is genuinely entered into and executed and that it covers the issues referred. I reproduce the terms of settlement as follows:

"1. Clause (1) of the Schedule to the Reference.—It has been agreed to promote the following 4 workers as Plate-laying Muccadams to Category IV with effect from the dates shown against them.

		Date from which already promoted	Date of promotion now agreed upon
(a)	Mr. K. Venkata Rao	18-3-64	18-3-64
(b)	Mr. S. Malliah	18-3-64	18-7-63
(c)	Mr. T. Rayamalloo	4-7-64	30-1-64
(d)	Mr. B. Rajam	15-3-64	1-7-63

The arrears due in the case of items (b), (c) & (d) will be paid to them within a period of two months. There is no change in the date of promotion in respect of item (a).

2. Clause (2) of the Schedule to the reference.—(a) Difficulty allowance shall be paid to the fillers working in Ramakrishnapur Group of mines at the following scale of rates wherever the seam is 5 ft. or less than 5 ft. thick.

Size of tub :	Rate of allowance :
24 cft. tub	Rs. 0'10 P. per tub filled.
30 cft. tub	Rs. 0'12 P. per tub filled.
36 cft. tub	Rs. 0'15 P. per tub filled.
45 cft. tub	Rs. 0'19 P. per tub filled.

(b) This allowance will be discontinued and replaced by such similar allowance as may be applied for the Coal Industry as a result of Government's instructions on the recommendations of the Wage Board in due course. If the Wage Board, however, do not recommend any allowance for seams of 5 ft. and less than 5 ft. the allowance on the basis and rates now agreed upon will be continued in respect of Ramakrishnapur Group of mines wherever the seam is 5 ft. and less than 5 ft. thick.

4. As for water-place allowance it is agreed that the Management shall continue to pay it in the form of progress allowance on the basis of the existing system.

5. The demands of the Union are thus fully and completely met."

2. (1): I considered the above compromise in the light of issues referred. Obviously, the issues are settled by the above-stated terms of settlement and they are in the interest of peace in Industry. I, therefore, allow them.

Award accordingly, given under my hand and the seal of the Court, this the 29th Day of March, 1965.

M. S. ALI KHAN,
Industrial Tribunal.
[No. 7/33/64-LRII.]

New Delhi, the 7th April 1965

S.O. 1198.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Orient Colliery of Messrs Central India Coal Fields Limited, Post Office Brajrajnagar, District Sambalpur, and their workmen, which was received by the Central Government on the 5th April, 1965.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

Reference No. 6 of 1965

PARTIES:

Employers in relation to the Orient Colliery of M/s. Central India Coal Field Ltd.

AND

Their workmen.

PRESENT:

Shri L. P. Dave—Presiding Officer.

APPEARANCES:

On behalf of Employers—Shri J. K. Ghosh, Advocate.

On behalf of workman—Absent.

State: Orissa.

Industry: Coal Mines.

AWARD

The Government of India, Ministry of Labour and Employment, by their order No. 6/75/64-LRII dated 18th January 1965, have referred the industrial dispute existing between the employers in relation to the Orient Colliery and their workmen in respect of the following matters for adjudication to this Tribunal. The matters referred to for adjudication are:—

1. Whether the management of the Orient Colliery, Brajrajnagar, Sambalpur is justified in refusing to give to Shri Jagjeet Singh, Loading Clerk, the higher scale of Supervisor, Grade I when he has been performing such duties? If not, to what relief is he entitled?
2. Whether the management of Orient Colliery were justified in refusing lighter job to Shri Jagjeet Singh, Loading Clerk, in the colliery with effect from 11th August 1964? If not, to what relief is he entitled?

2. Notice was issued to the workmen calling upon them to file their written statement in the matter within ten days of the receipt of the notice. The notice was served on them on 1st February 1965 but no written statement was received from them; so, a letter was sent to them on 22nd February 1965 asking them to file their written statement immediately. In spite of this, no written statement was filed and thereupon the matter was fixed for hearing on 27th March 1965. Notices about this were issued to the parties on 6th March 1965. The notice on the union was served on them on 10th March 1965. In spite of this, no one appeared on behalf of the Union at the hearing nor was any written statement filed nor any request made for time or the like; so the matter has been heard *ex-parte*.

3. The present dispute relates to a loading clerk named Jagjeet Singh. It appears that the union demanded firstly that he should be paid higher scale of pay as of Supervisor Grade I because he had been performing such duties and secondly, the union urged that he should have been given a lighter job from 11th August 1964. The employers have examined Shri G. S. Kapoor who is their Labour Welfare Officer. He has stated on oath that the workman Jagjeet Singh has been working all along as a loading clerk only and that he has never worked as a supervisor nor has he ever performed the duties of a supervisor. That being so, the said clerk would not claim or be given higher scale of pay of a supervisor.

4. It then appears that the clerk had fallen ill in July 1964 and reported for duty on 10th August 1964. The union's contention appears to have been that he should have been given light work at that time. The colliery medical officer however had certified him to be fit for duty and therefore the management were not bound to give him a light work. It also appears that the workman concerned had been able to discharge his duties as a loading clerk, satisfactorily after this also. It does appear that he had again fallen ill in November but that was in respect of some other complaint. Even thereafter, he has been able to discharge his duties satisfactorily. That would mean that his illness has not come in the way of his being able to discharge his duties properly. Further it appears that as a loading clerk, he has not to work for all days in a month. A statement has been produced showing the number of days he had to do actual work in the months of August to November 1964. It would appear therefrom that in the month of August the workman was present for 17 days but he had to work actually for 5 days and that he had to do no work for the remaining 12 days though he was not laid off. In September he was present for 24 working days but had to actually work for only 8 days and the remaining 16 days he had no work; he got his full pay for these days without having to do any work. In October also, he was present for 18 days. He actually worked only for 6 days and got his pay for the remaining 12 days without having to do any work. In November, he was present for 5 days (because in the latter part, he fell ill), and out of these 5 days, he had to work actually for 3 days and got his pay without having to do any work for the remaining 2 days. In other words, it means that the work which he has been doing after he reported for duty in August after his illness has been light work. In any case, he is not entitled to any relief.

I pass my award accordingly.

Sd./- L. P. Dave,
Presiding Officer.

Dated, 31st March 1965.

[No. 6/75/64-LR.II.]

S.O. 1199.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Bejdih Colliery of Messrs Equitable Coal Company Limited, Post Office, Dishergarh, District Burdwan and their workmen which was received by the Central Government on the 5th April, 1965.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

Reference No. 39 of 1964

PARTIES:

Employers in relation to the Bejdih Colliery of M/s. Equitable Coal Co. Ltd.

Their workman.

AND

PRESENT:

Shri L. P. Dave—Presiding Officer.

APPEARANCES:

On behalf of employers—Shri S. S. Mukherjee, Advocate.

On behalf of workmen—Shri Kalyan Roy, Vice-President, Colliery Mazdoor Sabha.

State: West Bengal.

Industry: Coal Mines.

AWARD

The Government of India, Ministry of Labour and Employment, by their order No. 6/47-64-LR.II dated 20th July 1964, have referred the industrial dispute existing between the employers in relation to the Bejdih colliery and their workman in respect of the question whether the management was justified in transferring Shri Sankar Chowdhury, W.E. Oil Mazdoor, from Bejdih Colliery to Bhanora Colliery and if not, to what relief the said workman was entitled, for adjudication to this Tribunal.

2. The facts leading to the present dispute are few and simple. One Shri Sankar Chowdhury was serving in the Bejdih colliery from about 1955 as Oil mazdoor. In April 1964 he was transferred from Bejdih colliery to the Bhanora colliery. Both Bejdih and Bhanora collieries belong to the Equitable Coal Company Limited. In other words, the transfer was from one concern of an employer to another concern of the same employer in the same capacity. That transfer is the management's function has not been disputed; what was challenged was that the present transfer was an act of victimisation because of the trade union activities of the workman concerned. The union took up the matter before the Conciliation Officer and on failure of conciliation, the matter was referred for adjudication to this Tribunal.

3. A preliminary objection has been raised by the employers to the maintainability and survival of this reference. They contend that the workman concerned was dismissed by the employers in June 1964 i.e. even before the order of reference was made in this case. In any case, it is contended that when the workman concerned has been dismissed, the present reference becomes infructuous and must be dismissed. On the other hand, the union denies knowledge of the dismissal. At the request of the parties, this question has been heard as a preliminary issue.

4. As I mentioned above, it is admitted fact that the workman Sankar Chowdhury was transferred from Bejdih Colliery to Bhanora Colliery belonging to the same owner and in the same capacity. He failed to carry out the transfer. A chargesheet was thereupon served on him. He replied to the chargesheet. These are all admitted facts. The management allege that an enquiry was held in respect of the chargesheet and as a result of the enquiry, the workman was dismissed and a letter was sent to him by Registered post on 22nd June 1964. On the other hand, the workman says that he knows nothing about the dismissal; that no order of dismissal was served on him and hence he must still be taken to be in service.

5. The first point that I have therefore to consider is whether the workman has been dismissed or not. In this connection, we have the evidence of Shri Bhattacharjee who is the Labour Advisor of the employers. He has stated on oath that after the workman replied to the chargesheet, an enquiry was held in respect thereof and as a result of the findings of the enquiry, the Chief Mining Engineer ordered his dismissal and on the basis of that order, the Manager of the colliery wrote a letter to the workman on 22nd June 1964 informing him that he was dismissed. The postal receipt showing that the letter was sent by Registered post has also been produced. I believe the evidence of Shri Bhattacharjee.

6. On the other hand, all that the concerned workman says is that he knows nothing about the order of dismissal. According to him, he was staying at the colliery all the time and still no letter was received by him. The order of dismissal was sent to the workman concerned at his home address and not at the colliery address. The reason for this appears to be that when a notice was sent to him about the enquiry to the colliery address, it was returned undelivered with the endorsement 'left'. The workman also admits that for some time he had left the colliery though according to him he left the colliery on 18th June and returned on the 1st of July. If he was really at the colliery all along, there is no reason why the notice sent to him was returned to the employer with an endorsement 'left'. I do not believe him when he says that he was at the colliery all the time.

7. It is true that no acknowledgement signed by the workman showing the receipt of the letter of dismissal is forthcoming. This may be due to various reasons. The acknowledgement might have been lost in transit or the man might left the address and the letter might not have been served on him or the address may not be correct. It is unfortunate that the postal authorities have not been

able to give a categorical reply about this. In any case, merely because the letter of dismissal has not been served on the workman concerned, it cannot be said that he has not been dismissed.

8. It has been held by the High Court of Patna in the case of Tin Plate Company of India (Private) Ltd. Vs. Abdul Sattar, 1960—I L.L.J. 637, that it is not necessary that in order to be valid the order of discharge must be communicated to the concerned workman. The communication of the order of discharge is not a condition precedent to the validity of the order. An order of discharge is complete on the date when it is finally made and not when it is communicated to the concerned workman.

9. In the present case, I am satisfied that an order of dismissal was passed on the concerned workman in June 1964 and whether it is served on him or not, the order is complete. That means that even before the present order of reference was made, the workman concerned had already been dismissed from service.

10. The present reference is regarding the order of transfer and all that this Tribunal is asked to adjudicate upon is whether the transfer was justified and if not, to what relief the workman was entitled. As the workman has since been dismissed, the question of transfer becomes irrelevant because the Tribunal cannot, looking to the wording of the order of reference, in these proceedings set aside the dismissal. In this connection, I may refer to a decision of the Calcutta High Court in the case of New India Flour Mills, 1963-I, L.L.J. 745. In that case also, the issue referred for adjudication was whether the transfer of a particular workman (named in the order) was justified or not and to what relief the said workman was entitled. It was found that the workman had already been dismissed; thereupon the High Court held that the reference became infructuous. The relevant remarks of the High Court Judgment are

“Then again the reference to the tribunal was on the issue as to whether the transfer was justified or not and to what relief he was entitled. But before the effective reference was made to the tribunal, the workman stood dismissed by the employer. In the face of the dismissal, the consideration of the question of his transfer became irrelevant because the tribunal could not, regard being had to the form of the reference, set aside the dismissal or direct the workman to be put back in service. After the order of dismissal, whether rightly or wrongly made, the reference in the form made became infructuous and therefore of irrelevant consideration even if the order of transfer had not been rightly made.”

In the present case, the workman has been dismissed by an order passed even prior to the making of the present reference (Even if the dismissal had been passed after the reference was made, it would have made no difference).

11. In the result, I hold that the present reference is now infructuous and is dismissed. In the circumstances, there will be no order to the costs.

I pass my award accordingly.

Sd./- L. P. DAVE,
Presiding Officer.

Dated, 30th March 1965.

[No. 6/47/64-LRII.]

S.O. 1200.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Hyderabad, in the industrial dispute between the employers in relation to the Singareni Collieries Company Limited, Kothagudiuma Post Office (Andhra Pradesh) and their workman which was received by the Central Government on the 5th April, 1965.

BEFORE THE HON'BLE INDUSTRIAL TRIBUNAL, ANDHRA PRADESH,
HYDERABAD

PRESENT:

Dr. Mir Siadat Ali Khan, M.A., LL.B., Fazal (Osm), B.C.L. (Oxon); D.Phil. (Oxon); Bar-at-Law (Lincoln's Inn) (London); Chairman, Industrial Tribunal, Andhra Pradesh, Hyderabad.

INDUSTRIAL DISPUTE No. 54/1964

BETWEEN

Workmen of Singareni Collieries Company Ltd., Kothagudium.

AND

The Management of Singareni Collieries Company Ltd., Kothagudium.

APPEARANCES:

Shri M. Komaraiah, General Secretary, Singareni Collieries Workers' Union, Kothagudium, *for the Workmen.*

M/s. B. G. Pradhan and N. Bhaskarachary *for the Management.*

AWARD

By the Government of India, Ministry of Labour & Employment's Letter No. 7/1/64-LR II, dated 26th November 1964, the industrial dispute between the employers of the Singareni Collieries Company Ltd., and their workmen was referred for adjudication with the following issue framed in the Schedule;

"Whether the action of the Management of Singareni Collieries Co. Ltd., Kothagudium in not granting Shri V. Gopalacharyulu, Clerk in the Service and Protection Corps Department of Singareni Collieries Company Ltd., at Kothagudium, Grade-I Clerical Scale of Rs. 70—158 as Senior Clerk in view of the nature of duties performed by him, is justified? If not, to what relief is the workman entitled and from what date?

2. The reference was registered here as industrial dispute No. 54/1964. The claims statement was filed on 4th January 1965 and the counter of the employer on the 22nd January 1965. At the hearing today the parties have filed a compromise by which Sri V. Gopalacharyulu, Clerk S. & P. Corps is given the Grade-III of Rs. 70—5—90—6—102—EB-8—158 with effect from 1st of January 1964 on a commencing salary of Rs. 102/- per mensem and, the parties have also stated in the compromise that the dispute is fully and completely settled. I have satisfied myself about the execution of the compromise and, as it is a settlement between the parties, I pass this Award accordingly.

Award, given under my hand and the seal of the Court, this the 30th Day of March, 1965.

Sd./- M. S. ALI KHAN,
Industrial Tribunal.
[No. 7/1/64-LR II.]

New Delhi, the 8th April 1965

S.O. 1201.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Hyderabad, in the industrial dispute between the employers in relation to the Singareni Collieries Company Limited, Kothagudium (Andhra Pradesh) and their workmen which was received by the Central Government on the 5th April, 1965.

BEFORE THE HON'BLE INDUSTRIAL TRIBUNAL, ANDHRA PRADESH,
HYDERABAD

PRESENT:

Dr. Mir Siadat Ali Khan, M.A., LL.B., Fazel (Osm.); B.C.L. (Oxon.); D.Phil. (Oxon); Bar-at-Law (Lincoln's Inn) (London); Chairman, Industrial Tribunal, Andhra Pradesh, Hyderabad.

INDUSTRIAL DISPUTE No. 53/1964
BETWEEN

Workmen of Tandur Coal Mines, Bellampalli.

AND

The Management of Singareni Collieries Company Ltd., Kothagudium.

APPEARANCES:

Sri K. Satyanarayana, Advocate—*for the Workmen.*

Sri Sham Mohan, Deputy Personnel Manager of the Singareni Collieries, Kothagudium—*for the Management.*

AWARD

By the Government of India, Ministry of Labour & Employment's Letter No. 7/13/64-LR II, dated 26th November 1964 the industrial dispute between the employers of the Singareni Collieries Company Ltd., Kothagudium, and their workmen was referred for adjudication with the following issues framed *viz.*,

"Whether the Management of Singareni Collieries Co. Ltd., is justified in not providing a higher grade of Rs. 70-5-90-6-102-EB-8-158 to Shri M. Narayana, In-charge of Electrical Sub-store, Balampalli division of Singareni Collieries Co. Ltd., in view of the nature of duties performed by him?"

If not, to what relief is he entitled and from what date?"

2. The reference was registered here as industrial dispute No. 53/1964. Parties filed their respective statements in writing. Today Sri Sham Mohan, Dy. Personnel Manager of the Singareni Collieries, stated in the presence of Sri K. Satyanarayana, the learned advocate for the workmen, and Sri S. Nagaiah Reddy, the President, Tandur Coal Mines Labour Union, Bellampalli, that the employer concedes the awarding of the grade to M. Narayana, but, does not agree to give it any retrospective effect beyond the date of conciliation *viz.*, 15th April 1964. The workman's representatives were not agreeable to this. The parties, therefore, adduced witnesses and filed a few documents. I have considered them and the arguments. I proceed to record my opinion below:

3. The workman Narayana stated in his deposition before me that he is in the service of the Singareni Collieries from 1944 and in the grade of Rs. 48-100 for the last 18 years having reached the maximum of Rs. 100/- in 1956. It is his grievance that when the Coal Award was enforced from May 1956 he was not given the grade of Rs. 102-158. He has deposed that in January 1960 he wrote through the Store-keeper for the said grade of Rs. 158/- but the employer did not reply to that petition or to his further petitions, Exs. W-1, W-2 and so on, till date. He is in-charge of the Electrical Section of Bellampalli Stores. After the senior Store-keeper Venkatarao, Sri Nageswararao, the Assistant Store-keeper, was made senior Store-keeper and Narayana has been discharging the duties of Sri Nageswararao, Assistant Store-keeper. Hence, his learned Advocate urged that retrospective effect should be given from the date of the demand *viz.*, January 1960 or as is thought fit by me.

4. Sri Shyam Mohan, the learned representative of the employer, contended that it is not true that Narayana performed the duties of Assistant Store-keeper. He was performing the duties of a clerk merely and, if he has completed his grade, five other clerks have also completed their grades. Similarly, comparison with Kothagudium will not be correct as Kothagudium stores are much bigger. It is a question of promotion and promotion cannot be demanded as of right. Promotion is a managerial function and the employer has a right to promote from any date he considers proper. He argued further that here there is no industrial dispute at all and the union cannot support the cause of an individual to make it an industrial dispute.

5. I considered all the above contentions. I am afraid Sri Shyam Mohan is not correct in stating that there is no industrial dispute here. Under the definition of the 'industrial dispute' in section 2(k) of the Industrial Disputes Act XIV/1947 an industrial dispute is any dispute between the employer and the workmen on the employment or non-employment or conditions of employment of any person. Narayana comes within the definition of any person and as the Union has taken up his cause there cannot be any doubt that here is an industrial dispute. To raise this contention after conceding that Narayana may be given the grade of Rs. 70-158 is clearly just raising it without meaning it.

5. (1) Again, according to the reference, the question here is of providing a higher grade to Narayana. The page 5 of the Wage Schedule would show that clerks are of three grades. Narayana is in Grade II. The next higher grade is Grade III of Rs. 70-158. The question here is of providing him with that grade. It is not necessarily a question of promotion; for, even when he is given the Grade III he remains a clerk. And even assuming that the conferment of the said grade is promotion, industrial law does not make it so privileged as to be above scrutiny. No doubt, promotion is a managerial function, but, industrial disputes can be raised over promotion and decided by Tribunals and Courts. Thus the managerial function of promotion is amenable to my scrutiny; and what scrutiny is required by me when the employer has conceded that Narayana may be given the Grade III. It is, therefore, evident that it was not necessary to raise the question of managerial function; for, by conceding the grade demanded it has become infructuous.

5. (2) In my opinion the only question now before me is the date from which retrospective effect should be given. Narayana is in service from 1944. He reached the maximum of his present Grade II in 1956. His first grouse is that when the Coal Award came into force in May 1956, he was not up-graded to Grade III. He demanded the Grade III in January 1960. He made this statement in his deposition and was not cross-examined. Hence, I consider that admittedly the date of his first demand was January 1960. He has deposed that when the Assistant Store-keeper Nageswararao was made senior Store-keeper, he performed the duties of the Assistant Store-keeper from the end of 1962. And he applied again for Grade III through application dated 17th July 1963, Ex. W-1. The Bellampalli Stores receive direct supplies, cater for four divisions and the value of materials there, as compiled by Narayana, is over one crore. It is a sub-main store, clerks at Kothagudium doing Narayana's work or work similar to Narayana's, are in Grade III for several years. Considering all the above facts on record, I am of the opinion that Narayana should be given the Grade III from 1st of January 1963. I direct accordingly.

5. (3) Before I close I may add that the Petition of Narayana dated 7th July 1963, Ex. W-1, is also filed by the employer as Ex. M-1 and it was shown to Narayana in his cross-examination. Sri Shyam Mohan asked him after showing the petition whether it is marked through proper channel, that is, through the Store-keeper, and Narayana replied that it was written at the suggestion of the Union. Obviously, if the application was not sent through proper channel that was no reason why the employer should have ignored it. He should have sent it back for presentation through proper channel. Good Administration does not allow ignoring of employees' petitions. It is the grouse of Narayana that not only this petition but his previous petition of January 1960 for Grade III was also ignored as also other petitions on his behalf by the Union, Exs. W-2, W-3, W-4 and W-5. I state with due restraint that it is conducive to efficient administration if the petitions of employees are attended to and a decision is taken on them promptly.

5. (4) My answer to the issues, therefore, is that the employer is not justified in not giving Narayana the grade of Rs. 78—150 and, therefore, Narayana should be given that grade from 1st of January 1963.

Award accordingly, given under my hand and the seal of the Court, this the 27th day of March 1965.

Sd./ M. S. ALI KHAN,
Industrial Tribunal.

WITNESSES EXAMINED FOR:

Workmen:

W.W. 1: M. Narayana.

Management:

M.W. 1: M. Venkateswararao.

M.W. 2: Antoni Joseph.

DOCUMENTS MARKED FOR THE WORKMEN:

- Ex. W1: Application dated 17th July 1963 of M. Narayana, Clerk, addressed to the Managing Director, S.C. Co. Ltd., Bellampalli.
- Ex. W2: Letter dated 22nd October 1963 from the President, Tandur Coal Mines Labour Union to the Dy. General Manager, S.C. Co. Ltd., Bellampalli.
- Ex. W3: Letter dated 2nd March 1964 from the President, Tandur Coal Mines Labour Union to the Dy. General Manager, S.C. Co. Ltd., Bellampalli.
- Ex. W4: Memorandum from Main Stores monthly paid staff of Singareni Collieries Co. Ltd., Kothagudium placed before the Wage Board sitting at Kothagudium on 21st April 1964.
- Ex. W5: Letter dated 5th May 1964 from the President, Tandur Coal Mines Labour Union to the Chief Labour Commissioner (C), New Delhi.
- Ex. W6: Letter dated 12th May 1964 from the Section Officer addressed to the (2) President, Tandur Coal Mines Labour Union, Bellampalli.
- Ex. W7: Statement regarding value of stores materials handled at Bellampalli.
- Ex. W8: Letter dated 17th November 1960 from the Agent, The Singareni Collieries Co. Ltd. to the Store-keeper, Tandur Collieries.

LIST OF DOCUMENTS MARKED FOR MANAGEMENT:

Ex. M1: Application dated 17th July 1963 of M. Narayana, Clerk, Sub-Stores addressed to the Managing Director, S.C. Co. Ltd., Hyderabad, through proper channel.

Sd./ M. S. ALI KHAN,
Industrial Tribunal.

[No. 7/13/64-LRIL.]

S.O. 1202.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Umaria Colliery, Post Office Umaria, District Shahdol, Madhya Pradesh, and their workmen which was received by the Central Government on the 3rd April, 1965.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BOMBAY
REFERENCE No. C.G.I.T. 56 of 1964

Employers in relation to the Umaria Colliery,
P.O. Umaria, Distt. Shahdol, M.P.

AND

Their Workmen

PRESENT:

Shri Salim M. Merchant,
Presiding Officer

Bombay, the 1st April, 1965

Industry: COAL MINING.

State: MADHYA PRADESH.

AWARD

The Central Government, by the Ministry of Labour and Employment's Order No. 5/47/63-LRIL dated 21st May 1964 made in exercise of the powers conferred by clause (d) of sub-section 1 of section 10 of the Industrial Disputes Act, 1947 (Act XIV of 1947) was pleased to refer the industrial dispute between the parties abovenamed in respect of the subject matters specified in the following schedule to the said order, to me for adjudication.

SCHEDULE

"Whether the management of the Umaria Colliery was justified in dismissing Shri Chhota S/o Fattu, Miner, Token No. 663, from service; and if not, to what relief is he entitled".

After the reference was made notice dated 12th June 1964 was issued on the parties inviting their written statements. The management submitted their written statements under cover of their letter dated 26th June 1964 in which they have stated that the workmen concerned, Chhota S/o Fattu was dismissed from service for misconduct under standing order 27(4) after proper departmental enquiry had been made. No written statement was received on behalf of the workmen to whom the management stated it has furnished a copy of its written statement and there is no union on record.

3. Thereafter on 31st March 1965 this Tribunal received an application dated 20th March 1965 from Chhota S/o Fattu, Token No. 663 stating that he had amicably settled this dispute and had received final payment against all his claims from the management of the Umaria Colliery and therefore this dispute should be treated as withdrawn and closed. This application has been signed by Shri Chhota on the requisite stamp paper before the Tahsildar, Magistrate, Umaria before whom he was identified by Shri M. D. Sharma, Advocate whose signature also appears on the application.

4. In the circumstances stated above I am satisfied that this dispute has been settled and that the workman concerned has received payment of all his dues from the management and does not desire to prosecute this dispute and applies

for it to be withdrawn. I, therefore, dispose of this reference as having been settled and withdrawn. A copy of the said application dated 20th March 1965 from Chhota S/o Fattu is enclosed herewith and marked as Annexure A and shall form part of this Award.

No order as to costs.

(Sd.) SALIM M. MERCHANT, Presiding Officer.

ANNEXURE A

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY

In the matter of order No. 5/47/63-LR.II dated 21st May 1964 Government of India, Ministry of Labour and Employment and the Tribunal's Reference N.REF/56/64/1399/64 dated 12th June 1964 .

Workmen

Chhota Token No. 663 Miner—Complainant.

The Management of Umaria

Colliery, P.O. UMARIA,

Distt. Shahdol, M.P.—Opposite Party.

I, Chhota S/o Fattu, Caste Kol, aged 26 years resident of Jwalamukhi, Umaria, Ex-Miner of Umaria Colliery, Distt. Shahdol, M.P., Token No. 663, State on oath as under:—

1. That I have amicably settled my dispute which is pending in the above Honourable Court with the Management of Umaria Colliery and have also received final payment from the Management against all of my claims.

Sd./-GAHSILDER, Magistrate,

L. T. I. Chhota.

UMARIA

Tahsil Bandhogarh (M.P.)

2. That my above said dispute may be treated as withdrawn and closed.

L. T. I. Chhota.

Dated 20th March, 1965.

(T. I. of Chhota.)

I, Chhota, solemnly affirm, today, at Umaria that the above contents of para 1 and 2 are true to my personal knowledge and they have been read over and explained to me in Hindi by Shri M. D. Sharma, Advocate.

Dated 20th March, 1965.

(T. I. of Chhota).

Sworn before me on this 20th day of March 1965 by Sri Chhota S/o Fattu Kol of Jwalamukhi, Umaria who is identified by Shri M. D. Sharma Advocate, whose thumb impression and signature are appended hereunder. The deponent admitted of the contents to be true and they were read over and explained in Hindi to him.

Sd./- B. P. MISHRA,

Gahsildar Magistrate,

UMARIA,

Tahsil—Bandhogarh (M.P.)

L.T.I. Chhota.

(T. I. of Chhota)

Sd/ M. D. Sharma.

[No. (5/47/63-LR.II.)]

ORDERS

New Delhi, the 6th April, 1965

S.O. 1203.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Babisole Colliery, Post

Office Andal, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

- (i) Whether Shri Maruti Prasad Singh was working as a store-keeper or a helper in Babisole Colliery, and
- (ii) Whether the action of the management of Babisole Colliery in retrenching Shri Maruti Prasad Singh with effect from the 14th September, 1964 was justified: If not, to what relief is he entitled?

[No. 6/23/65-LRII.]

S.O. 1204.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Banksimulia 11 and 12 Pits Colliery of Messrs. Bengal Coal Company Limited, Post Office Dishergarh, Burdwan, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the closure of Banksimulia 11 and 12 Pits Colliery of Messrs. Bengal Coal Company Limited and the consequent retrenchment of the following 137 workmen was justified, If not to what relief are these 137 retrenched workmen entitled?

Serial No.	Name	Designation
1	Bhabani Pashi	Shotfirer
2	Nikimoddin Sk.	Onsetter
3	Gonori Kahar	Do.
4	Sk. Monjur	Stone Cutter
5	Sk. Laib	Do.
6	Sk. Robbani	Do.
7	Sk. Rajab	Do.
8	Sk. Piya	Do.
9	Bishu Bouri	Mason
10	Gopi Pashi	Loader
11	Bhuar Gororia	Do.
12	Ramkholan Gororia	Do.
13	Ramkishore Koiry	Do.
14	Babulal Pashi	Do.
15	Bisan Kachi	Do.
16	Mohan Pashi	Do.
17	Brijlal Pashi	Do.
18	Ramnarayan Tewari	Do.
19	Sew Baran Koiry	Do.
20	Nathai Ahir	Do.
21	Dhunukdhari Kahar	Do.
22	Mongru Keyot	Do.
23	Nageswar Koiry	Do.
24	Bhadur Pashi	Do.
25	Bisram Gororia	Do.

Serial No.	Name	Designation
26	Mahesh Gororia	Loader
27	Joykaran Pashi	Do.
28	Meghu Bhuia	Do.
29	Arjun Pashi	Do.
30	Basanta Mahata	Do.
31	Shahdeo Gororia	Do.
32	Ramsakal Gororia	Do.
33	Ch. Ratana Majhi	Do.
34	Ramdin Gororia	Do.
35	Guru Mahato	Do.
36	Choudhuri Koiry	Do.
37	Jhuraw Pashi	Do.
38	Ramgolam Koiry	Do.
39	Bahadur Kurmi	Do.
40	Shukai Tali	Do.
41	Ramnihor Joswara	Do.
42	Dhokai Pashi	Do.
43	Babow Gororia	Do.
44	Ramharak Pashi	Do.
45	Arjun Pashi	Do.
46	Indrasen Dhosad	Do.
47	Idrish Khan	Do.
48	Ramsharan Pashi	Do.
49	Nanku Gorla	Do.
50	Badri Pashi	Do.
51	Algu Ahir	Do.
52	Shukai Pashi	Do.
53	Choharja Pashi	Do.
54	Maidin Singh	Do.
55	Gangadin Pashi	Do.
56	Hublal Koiry	Do.
57	Jagonath Gororia	Do.
58	Mataprasad Pashi	Do.
59	Nirjan Koiry	Do.
60	Ramsurmar Pashi	Do.
61	Arjun Pashi	Do.
62	Kalu Pashi	Do.
63	Sk. Abdul	Do.
64	Mongal Koiry	Do.
65	Baleswar Chamar	Do.
66	Sk. Altaf	Stone Cutter
67	Sk. Manjur	Loader
68	Sk. Abbas	Stone Cutter
69	Sk. Rosid	Do.
70	Sk. Mulcuk Chand	Do.
71	Sk. Yakub	Do.
72	Mavdin Ahir	Loader
73	Jaldhari Pandi	Do.
74	Ch. Sitaram Pashi	Do.
75	Tashir Mia	Do.
76	Bhudu Pashi	Do.
77	Ch. Nanku	Do.
78	Bararatna Majhi	Do.
79	Ch. Sonu Majhi	Do.
80	Rojan Mia	Do.
81	Charu Pashi	Do.
82	Dwarka Ram	Do.
83	Jagannath	Do.
84	Bishni Dosad	Do.
85	Sewcharan Koyot	Do.
86	Suklal Pashi	Do.
87	Jantri Pashi	Do.
88	Rekha Gororia	Do.
89	Ghamandi Dosad	Do.
90	Isrial Mia	Do.
91	Brijlal Pashi	Do.
92	Ramkhalon Pashi	Do.

Serial No.	Name	Designation
93	Mohipal Ahir	Loader
94	Bhagirati Pashi	Do.
95	Matabadal Koiry	Do.
96	Warshali Mia	Do.
97	Ajodha Dosad	Do.
98	Ramcharan Pashi	Do.
99	Babulal Koiry	Do.
100	Balikaran Koiry	Do.
101	Jahari Koiri	Do.
102	Dabidin Koiri	Do.
103	Bisram Koiri	Do.
104	Shamsuddin Mia	Do.
105	Dlal Sk.	Do.
106	Rahaman	Do.
107	Nasim Sk.	Bagiman
108	Basant Joswara	Pit Sarkar
109	Hari Singh	K. Oil Issuer
110	Gitya Turi	Exp. Carrying Kamir
111	Raghu Nandan Rajbhor	Mining Sirdar
112	Badla Majhi	W.E. Khalasi
113	Ramdular Kurmi	Loader
114	Motru Tali	Do.
115	Ranghai Gororia	Do.
116	Mata Prasad Pashi	Do.
117	Ranghai Gororia	Do.
118	Satyanaran Mishra	Do.
119	Nathai Pashi	Do.
120	Sarju Gororia	Do.
121	Br. Sona Majhi	Do.
122	Babulal Majhi	Do.
123	Hopna Majhi	Do.
124	Aziz Mia	Do.
125	Jogadish Singh	Do.
126	Kadernath Tali	Do.
127	Ramdular Pashi	Do.
128	Bhudiram Benia	Do.
129	Menjur Mia	Do.
130	Rameswar	Do.
131	Sukraj	Do.
132	Basanta Mahata	Do.
133	Sundar Ahir	Do.
134	Samidin Ahir	Do.
135	Dhanu Mahato	Do.
136	Chuna Kora	Explosive Carrier
137	Jhinguri Pashi	Loader

[No. 6/10/65-LRII.]

New Delhi, the 7th April 1965

S.O. 1205.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Khas Karanpura Colliery, Post Office Patratu, District Hazaribagh, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of Khas Karanpura Colliery, in dismissing Shri Mundrika Singh, Register Keeper, with effect from the 14th July,

1964 by their letter dated the 7th August, 1964 was legal and justified? If not, to what relief is the workman entitled?

[No. 2/28/65-LRII.]

New Delhi, the 8th April 1965

S.O. 1206.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Selected Searsole Colliery, Post Office Raniganj, Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Selected Searsole Colliery was justified in stopping Shri Sunil Kumar Gupta from work with effect from the 30th May, 1964 with a view to victimise him for his trade union activities? If not, to what relief is he entitled?

[No. (6/112/64-LRII.)

H. C. MANGHANI, Under Secy.

New Delhi, the 7th April 1965

S.O. 1207.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following Scheme further to amend the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956, the same having been previously published as required by the said sub-section, namely:—

1. This Scheme may be called the Calcutta Dock Workers (Regulation of Employment) Amendment Scheme, 1965.

2. In the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956, in clause 31, the existing "Explanation" shall be numbered as "Explanation I" and after Explanation I as so numbered, the following "Explanation" shall be inserted namely:—

"Explanation II—For the purpose of this clause, the expression 'month' shall not include the days of weekly off."

[No. 522/23/64-Fac.]

K. D. HAJELA, Under Secy.

New Delhi, the 7th April 1965

S.O. 1208.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Delhi in respect of an industrial dispute between the management of the Indian Bank Limited and their workmen which was received by the Central Government on the 5th April, 1965.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL, DELHI

PRESENT:

Shri Anand Narain Kaul, Central Govt. Industrial Tribunal, Delhi.

27th February, 1965

Reference I.D. No. 11 of 1963

BETWEEN

The employers in relation to the Indian Bank Limited.

AND

Their workmen.

Shri H. Ramanathan—for the management.

Shri H. L. Parvana—for the workmen.

AWARD

By S.O. dated the 6th June, 1963, the Central Government has referred to this Tribunal for adjudication an industrial dispute existing between the employers in relation to the Indian Bank Limited and their workmen in respect of the transfer of Shri A. Ramamurthy, clerk from New Delhi Branch to Anakapally Branch in Andhra Pradesh. The terms of reference is as follows:—

Whether the management was justified in transferring Shri A. Ramamurthy, clerk from New Delhi Branch to Anakapally Branch in Andhra Pradesh and, if not, to what relief is he entitled?

2. A statement of claim was filed on behalf of the Indian Bank Employees' Union, Connaught Circus, New Delhi, representing the workmen (to be referred to hereinafter as the Union). A written statement was filed by the Indian Bank Limited (to be referred to hereinafter as the Bank). A rejoinder was also filed by the Union. The following issues were framed in the light of the pleadings of the parties by order-sheets dated 24th February, 1964 and 24th March, 1964:—

1(a). Whether the proposed transfer of Shri Ramamurthy is motivated by victimisation for his trade union activities and hence unjustified?

1(b). Whether the management was justified in transferring Shri A. Ramamurthy, clerk from New Delhi Branch to Anakapally Branch in Andhra Pradesh?

2. What is the effect of the transfer being only proposed and not actually ordered?

3. To what relief if any, is the workman entitled?

Each party has filed a number of documents on which admissions and denials were recorded. No oral evidence was adduced. The learned representatives of the parties agreed that the case could be disposed of on the basis of the documents on record. I have heard the representatives of the parties at considerable length and proceed to record my findings on the issues.

FINDINGS:

3. The union's case as set out in the statement of claim is that Shri Ramamurthy who joined the service of the Bank on the 7th January, 1956 as clerk, worked at the New Delhi Branch of the Bank at Connaught Circus upto 28th September, 1958 and, on that date, was transferred to the Bank's Karol Bagh Branch where he worked upto the 30th September, 1958. On the latter date he was re-transferred to the Bank's Branch at Connaught Circus, New Delhi from where again he was transferred to Karolbagh Branch on the 13th October, 1958. Shri Ramamurthy belongs to Alleppey, a place in Kerala State and has been representing to the Bank from time to time, such as, June 1957, October, 1958, September 1959, April 1960, June 1961 and October 1962, for his transfer to his native place of Alleppey in Kerala. These representations of Shri Ramamurthy were either not replied to by the Bank or were summarily rejected although representations of two bachelors namely, Sarvashri S. Krishnamurthy and T. R. S. Davey both employees of Karolbagh Branch having only 18 to 36 months service to their credit were accepted and they were transferred to their native places. The representations of Shri Ramamurthy for his transfer to Alleppey were rejected although he is a married man having three children and although he had represented that there was none to look after his 70 years old mother whom he wanted to serve in her old days. According to Shri Ramamurthy's representation in October, 1962 there was going to be a vacancy at Alleppey as one Shri K. K. Raman had applied for his transfer from Alleppey to Bombay in February, 1963. It is stated that Shri Ramamurthy was elected member of the Executive Committee of the union in the years 1959, 1960 and 1961 and as the general secretary of the union in 1962 and 1963. During the same years he was also elected member of the Executive Committee of the Delhi State Bank Employees' Federation to which the union is affiliated. In September 1962 he was further elected member of the Executive Committee of the Federation of Indian Bank Employees Unions—an All India Organisation of the Indian Bank Employees. On April 1, 1963 a notice was put

up on the Notice Board of the Karolbagh Branch of the Bank, saying that it was proposed to transfer Shri A. Ramamurthy, clerk, to the Anakapalli Branch of the Bank as a clerk. Anakapalli is a town in Andhra Pradesh having a population of about 50,000 in a Telugu speaking area and is in Area III as per provisions of the Bank Award. According to the union Shri Ramamurthy had never applied for his transfer to any branch in Andhra Pradesh not to speak of Anakapalli. The spoken language in Kerala from where Shri Ramamurthy hails is Malayalam and his children are learning in a Malayalam School and his transfer, according to the union, to a Telugu speaking area is with ulterior motives and a vindictive act on the part of the Bank due to the trade union activities of Shri Ramamurthy. According to the union, there was no vacancy of a clerk at Anakapalli and even if there was any vacancy, a clerk could be transferred from other branches in Andhra Pradesh such as those at Guntur, Vijayavada and Covernorpet, where, according to a communication of the Head Office sent to these branches, their clerical staff was surplus while there was no surplus staff at the Karolbagh Branch of the Bank. The Union, therefore, seeks the cancellation of the order of transfer.

4. The Bank's case is that the request of Shri Ramamurthy for his transfer to Alleppey could not be granted on the ground of exigencies of office business which had to be taken into account in all such transfers. The Bank has repudiated the allegations that the refusal for transfer of Shri Ramamurthy to Alleppey was vindictive or was motivated by the trade union activities of the employee. It is further pleaded that the proposed transfer to Anakapalli is also based on exigencies of office business and in regard to matters of transfer it is not possible for the Bank in all cases to comply with the wishes of the employees. It is stated that Shri Ramamurthy was transferred to Anakapalli since there was a vacancy and since the Bank wanted a senior clerk to be posted to that office. It is further pleaded that Shri Ramamurthy himself had been repeatedly requesting the management for transfer to Alleppey on various personal grounds, that Anakapalli is very much nearer to Alleppey than New Delhi and the reference to various other transfers referred to by the union have no bearing on the impugned transfer. It is pointed out that if Shri Ramamurthy had been transferred to Alleppey as requested by him his trade union activities at New Delhi would have automatically come to an end and in so far as these activities are concerned, it would make no difference at all whether he is transferred to Alleppey or Anakapalli.

5. I have given my most careful consideration to the case and find it difficult to resist the conclusion that the proposed transfer of Shri Ramamurthy to Anakapalli in the circumstances of the case is not *bona fide* and not based merely on the exigencies of office business. Shri Ramamurthy is admittedly a resident of Alleppey in Kerala where the spoken language is Malayalam. Shri Ramamurthy joined the Bank's service on the 7th January, 1956 as clerk in the New Delhi Branch at Connaught Circus. In his first application dated the 15th June, 1957 Ext. M/4 he represented that he had to live in a costly place like Delhi, leaving his family at his native place, Alleppey which had considerably affected his health and he asked for his transfer to Alleppey or any place near about. The Agent recommended his application with the observation that he had considerably improved in his work and had been living singly all these days in a Hotel and could ill-afford to set up a family at Delhi. In another application Ext. M/5 dated the 23rd September, 1959 Shri Ramamurthy represented that his elder brother, who was a T.B. patient, had under-gone a major lung operation at Vellore and the expenses incurred therein had drained away much of his family resources, and his wife and daughter were suffering very much without a helping hand. He further pointed out that his aged mother was eagerly awaiting his presence at the fug end of her life while he with poor emolument had to live in a single room in Delhi at a rent of Rs. 60/- per mensem. He had found it very difficult to educate his children in the capital. He, however, prayed for his transfer to Alleppey "or any one of the branches nearby". This application was also recommended by the Agent to the Head Office. From the next application Ext. M/6, dated the 22nd April, 1960, it appears that although he had been transferred from the Connaught Place Branch to the Karolbagh Branch in October, 1958 and had received orders of re-transfer to the New Delhi Branch in April 1960. It was then that he made this representation Ext. M/6 in which he pointed out that he had a big family with four dependents namely, mother, wife and children living near the Karolbagh Branch and with much difficulty trying to meet his family expenses in the costly city of Delhi with his meagre salary. He, therefore, asked for the cancellation of his transfer to the New Delhi Office. He further pointed out that, for the preceding three years, he had been making representations for a transfer to the South in view of his difficulties at Delhi and

that his representations had been forwarded by the Agent. In forwarding this application, the Agent of the Branch observed that the applicant was the only experienced man in his branch and the other two clerks were fresh recruits and further that he required at least one experienced man who could work in all departments and hence he might be permitted to retain Shri Ramamurthy. A further application Ext. M/7 was made by him in June 1961 in which he pointed out that being a family man with two school going children he found it very difficult to meet his expenses in the capital and since he hailed from Kerala where the climate is moderate, his children also had suffered in health due to the extreme climate of Delhi. He once-again prayed that he be transferred to his native place Alleppey and pointed out that bachelors junior to him in service in that Branch had been transferred to their native places. It appears from a communication Ext. W/14, addressed by the Agent of the Karolbagh Branch of the Bank to Shri Ramamurthy while he was on leave at Alleppey, with reference to his representation Ext. M/7 dated the 19th June, 1961, that the Head Office had rejected his application for transfer to Alleppey. Lastly there is an application Ext. M/8, dated the 1st October, 1962 in which Shri Ramamurthy once-again represented that being a family man with three children he found it very difficult to pull on at Delhi and prayed for his transfer to Alleppey Branch according to his information, one clerk had already applied for transfer to the North. He further pleaded that there was no one to look after his mother aged 70 years during the last days of her life. He once-again pointed out that two bachelors junior to him in service had been transferred to their native places and his representations for transfer even prior to their transfer in the office had been ignored. It will be seen from these representations which had been recommended by his immediate superiors that Shri Ramamurthy had genuine difficulties and that his repeated representations were not accepted while those of some junior clerks were accepted. It further appears that the proposed transfer of Shri Ramamurthy is not on the ground that he is in any way unsuitable for the post he is at present holding in the Karolbagh Branch or that he is not needed there. In fact, in the endorsement on the first representation Ext. M/4 of Shri Ramamurthy the Agent had certified that the applicant had shown considerable improvement in his work and conduct. In the endorsement on the second representation Ext. M/6 dated 22nd April, 1960, the Agent had even observed that he was the only experienced man in the branch and since the office needed at least one experienced hand who could work in all departments, he might be allowed to be retained in the Karolbagh Branch. That representation was made when it was proposed to transfer Shri Ramamurthy from the Karolbagh Branch to the New Delhi Branch. This endorsement shows, that the Karolbagh Branch, according to the Agent of the branch, needed the continuation of Shri Ramamurthy's services there and the Agent seemed even to be apprehensive that the transfer of Shri Ramamurthy would affect the efficient working of the branch.

6. It will also be seen from the above narrative that repeated representations of Shri Ramamurthy for transfer to Alleppey or to a nearby branch from 1957 onwards had been ignored and in June, 1964 the rejection of his representation for transfer was formally communicated to him. In his representations Exts. M/7 and M/8 he had specifically prayed for transfer to the Alleppey Branch while in his representations Exts. M/4 and M/5 he had prayed for transfer to Alleppey or any one of the branches near about. In none of these representations had he asked for transfer to any branch in Andhra Pradesh, where the spoken language is different from his native place and where obviously he could not have the schooling facilities for his children which he had throughout been seeking. It transpired during arguments that Anakapalli in Andhra Pradesh is at a distance of 680 miles from Alleppey, the native place of the workman. It is, therefore, in no sense a place near about Alleppey and his proposed transfer to the former place cannot be treated as the acceptance of his request for transfer to a place near his home. The place is also in Area III as per provisions of the Bank Award and his transfer to that branch would naturally affect the emoluments of Shri Ramamurthy. After the formal rejection of his representation for transfer in July, 1961 it appears that Shri Ramamurthy had brought his family to Delhi and had made some arrangements for the schooling of his children. This will be clear from his representation of October, 1962 Ext. M/8. In that representation he had even pointed out that a clerk in Alleppey Branch had already applied for transfer to the North. At that time his only anxiety was about the care of his aged mother who was alone in Alleppey and he had requested that he might be transferred to Alleppey Branch in the month of January, when the examinations of his children would be over. In these circumstances his transfer to a place like Anakapalli, at a distance of 680 miles from his home,

could only add to his hardships and could in no way mitigate his difficulties and the management could not have been un-aware of this. It is not correct to say that there was any vacancy as such in Anakapalle itself. Of course in the report Ext. M/9 dated the 14th April, 1961, the Agent of that branch had asked for one additional clerical hand since he had only two clerks and if any one of them applied for casual or privilege leave, the office work got dislocated. In another report of the 5th July, 1961, Ext. M/10, the Agent of that branch once again pressed for posting of additional staff to the branch but the noting at the Head Office on this report, shows that they did not consider that the work had increased appreciably and the report was filed. In further letters Exts. M/11, M/12, M/13, and M/14, written from August to November, 1962, the Agent of the Anakapalle Branch continued to press for one additional clerk as previously requested. In the letter Ext. M/13, the Agent had requested for the posting of at least one Godown Keeper-cum-Clerk for the branch. It seems in November, 1962, the Head Office asked for a work-load statement from the Anakapalle Branch which was accordingly supplied and is Ext. M/17 forwarded with the letter Ext. M/16 dated the 3rd December, 1962. On this the noting of the Head Office was that there was no extra staff available in the Andhra Area. It does not, however, seem to be correct to say that no surplus staff from the Andhra Area itself was available. It appears from a communication Ext. W/4, dated 20th July, 1963 from the Staff Department of the Bank at Madras, addressed to the Guntur Branch in Andhra Pradesh, that in the department's view the branch could be managed if one Assistant and two clerks were withdrawn from the office. This conclusion is based on a comparative study of work in another office of the branch with the same number of vouchers. In a letter Ext. W/5, addressed by the Head Office to the Vijayawada Branch in Andhra Pradesh on the same date, it was pointed out, on similar considerations, that the Branch could manage even if four clerks and some Assistants were taken out from the office and the branch was asked to suggest the names of Assistants and Clerks who could be transferred. In a similar communication of the same date, addressed by the Head Office to the Governorpet Branch, it was pointed out that the branch could be managed if one clerk was taken away from its office. A similar letter appears to have been addressed to the branch at Rajahmundry as will appear from Ext. W/8. From the above correspondence with a number of branches of the Bank in Andhra Pradesh, it will be seen that, according to the Head Office, there was clear scope for transfer of surplus clerks and Assistants from these branches to any other branch in the same Area where clerical staff was needed and if Anakapalle really needed an additional clerk one could be easily provided by transfer from one of these branches. In these circumstances a forcible transfer of Shri Ramamurthy from New Delhi to Anakapalle did not at all seem to be necessary for the exigencies of office business and there is no convincing evidence as to the *bona fides* of the proposed transfer to Anakapalle. Assuming that additional staff of one clerk was needed at Anakapalle branch, there is convincing evidence also that the Karolbagh Branch itself needed the services of an experienced hand. In the Inspection Report Ext. W/11 of the Karolbagh Branch by Shri V. S. Krishnamachari on the 29th December, 1963, it was reported that there had been slow and steady improvement in the deposits and that the Agent felt himself handicapped for want of a powered Assistant to assist him in the office routine. It was represented in a letter Ext. W/13 dated the 3rd May, 1960, addressed by the Agent of the Karolbagh Branch to the Head Office of the Bank, after the order of Shri Ramamurthy's transfer Ext. W/12 to the New Delhi Branch dated 16th April, 1960 had been received, that the office would be handicapped without a senior clerk and that the office be permitted to retain Shri Ramamurthy or in the alternative the office be provided with a clerk, fairly senior who could work in all departments. There is thus convincing evidence that Shri Ramamurthy's continuance in the branch office at Karolbagh was in the interests of the efficiency of the branch and that his transfer without a suitable substitute would have affected the efficient working of the branch. This also shows that the transfer of Shri Murthy from the Karolbagh Branch could not have been in furtherance of the exigencies of office business. The immediate justification for the proposed transfer is sought to be provided by the document Ext. M/18, which is a letter dated 30th March, 1963 from the Anakapalle Branch, addressed to the Head Office. This was in continuation of previous representations of the same office for posting of additional clerk and also in view of the busy season being in full swing and the deposits of the branch having moved up gradually. A statement of daily vouchers was enclosed with the letter. The date of receipt as originally noted at point 'A' on this document appears to have been the 3rd of April, 1963 but there is an over-writing on this date, without any initials, to show that it is the 1st of April. This over-writing or correction is of a suspicious nature. There is

not even the usual seal of the Head Office, giving the date of receipt and I cannot say that there is no force in the argument of the learned representative of the union that this date has been tampered with in order to show that this document was received on the 1st of April and not on the 3rd of April and in order to justify the transfer order of Shri Ramamurthy passed on the 1st of April. There are two office notes on this document. One of these on which the date given is the 1st of April is as follows:—

“For Orders

He is often reminding us for additional hand. From his work load statement the work has been improved. Deposit is increased. I think we can post a senior clerk and we shall review the position later.”

Another note which does not bear any date is as follows:—

“For Orders

The following staff have been representing for transfer to South.

- (1) Mr. S. Ranasubramaniam Typist from Calcutta Br.
- (2) Mr. A. Ramamurthy clerk from Karolbagh Br.
- (3) Mr. James Bettarmine clerk from Calcutta Br.”

The order on these notings is “No. 2 may be transferred”. This is also dated the 1st April and there are other initials, presumably of other officers bearing the same date in token of approval of the proposal. Even assuming that this letter dated the 30th March from Anakapalle was received on the 1st of April, 1963 at the Head Office (31st March being a Sunday), it is extraordinary that all the notings and orders on this document should have been completed on the 1st of April, although the document was not marked as immediate or urgent. The notings on the other reports of the same branch discussed above do not disclose the same sense of urgency. In any case even if the proposal to transfer Shri Ramamurthy had gone through the office routine so quickly, on the 1st of April itself at the Head Office, it is extraordinary that the notice of transfer of Shri Ramamurthy at the Karolbagh Branch should have been put up on the Notice-Board on the same date. All this shows that there was a sense of purpose and urgency in this transaction and it could not have been motivated by mere exigencies of office work. The conclusion is irresistible that the transfer was *malafide* in view of Shri Ramamurthy's trade union activities at Delhi and of the position that he held in the Organisation as General Secretary of the Indian Bank Employees' Union at Delhi and as a member of the Executive Committee of the Federation of Indian Bank Employees' Unions. It is true that if he had been transferred to Alleppey, as originally requested by him, Shri Ramamurthy's trade union activities at Delhi would have automatically ceased but the transfer as proposed was bound to cause considerable harassment and inconvenience to the workman which does not appear to be unavoidable in the interest of exigencies of office business. In Para. 535 of the Sastri Award it was pointed out that the policy regarding transfers is a constant source of friction between the banks and the workmen organized into unions and the cry of victimisation of office bearers and “activists” of trade unions is raised whenever such transfers are mooted. According to the award the proper view to take is that transfers are normal incidents of the working of a bank and they must be left to the discretion of those who guide the policy of the bank and manage its affairs. It is, however, possible that the discretion may be abused and transfers effected on considerations other than the needs of administration. It was further pointed out that whenever an activist of the trade union movement, as yet in its formative stage and liable to be crippled easily, is transferred a suspicion naturally arises that it is inspired by ulterior motives. In order to avoid such suspicions certain directions were given in the award such as the furnishing by the union of the names of certain prominent office bearers to the Bank and whenever the transfer of such office bearers is contemplated, at least five clear working days' notice should be put up on the notice boards of the bank of such contemplated action. In Para. 536, it was directed that in general the policy should be to limit the transfers to the minimum consistent with banking needs and efficiency. In regard to members of the subordinate establishment it was specifically directed that there should be no transfers ordinarily and if there are any transfers at all they should not be beyond the language area of the person so transferred. It was further directed that even in the case of workmen not belonging to the subordinate staff as far as possible there should be no transfer outside the State or the language areas in which an employee has been serving except of course, with his consent. In Para. 537, the

difficulty arising from the transfer of an employee from a higher class area to a lower class area resulting in a sudden reduction of an appreciable portion of his emoluments was noted. It will be seen that, according to the award, even an employee not belonging to subordinate staff should not be transferred, as far as possible, outside the State or the language areas, in which an employee has been serving except of course, with his consent. Although, therefore, there is no absolute prohibition, as in the case of subordinate staff, on transfer from one language area to another and consent for transfer is not essential, it is ordinarily desirable that no such transfer should be made without the consent of the employee. In the present case as already shown by me above the proposed transfer is lacking in *bona fides* and although I would be most reluctant to interfere with the discretion of the Bank in such matters, it would not be in the interests of justice to allow this transfer to take effect.

7. My findings on Issues 1(a) and 1(b) therefore are that the transfer from New Delhi Branch to Anakapalle is *malu fide* and unjustified. No finding appears to be necessary on Issue No. 2. In view of what I have stated above, I can only direct that the notice of proposed transfer be cancelled and that the transfer shall not take effect. I make an award accordingly. No order as to costs. (Thirteen pages)

27th February, 1965.

Sd./- ANAND NARAIN KAUL.

Central Govt. Industrial Tribunal, Delhi.

[No. 51(41)/63-LRIV.]

S.O. 1209.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay in the industrial dispute between the employers in relation to Messrs Cawasji Behramji and Company, Bombay and their workmen which was received by the Central Government on the 3rd April 1965.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY

REFERENCE No. C.G.I.T. 59 of 1964

Employers in relation to Messrs Cawasji Behramji & Co.,

AND

Their Workmen.

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

For the Workmen.—Shri D. M. Tulbule, General Secretary and Shri M. K. Khatech, Organising Secretary Bombay Stevedores and Dock Labourers' Union.

For the Employers.—Shri V. N. Nadkarni, Advocate with Shri F. B. Mehta, Partner, M/s. Cawasji Behramji & Company, Bombay.

Dated 31st March 1965

INDUSTRY: Ports and Docks.

STATE: Maharashtra.

AWARD

The Central Government by the Ministry of Labour and Employment's Order No. 28/37/64-L.R.IV dated 29th May 1964, made in exercise of the powers conferred by clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act 1947 (Act XIV of 1947), was pleased to refer the industrial dispute between the parties above named in respect of the subject matters specified in the following Schedule to the said order, to me for adjudication.

SCHEDULE

Whether the stoppage of work of the following workmen by Messrs. Cawasji Behramji and Company, Bombay, was justified? If not, to what relief are these workmen entitled?

- (1) Ramchandra Mewalal
- (2) Chhotu Kalidas

- (3) Ibrahim Abdul Razak
- (4) Raghunath
- (5) Shanker
- (6) Rama Gopal
- (7) Ramchoddas Bhole
- (8) Ahmed Ibrahim
- (9) Nandu

2. After the parties had filed their Written statements, at the hearing of this dispute on 31st March 1965 after mutual discussions between the parties in my presence, the parties reached a settlement as recorded in their joint application, copy of which is annexed hereto and marked Annexure "A", and prayed that an Award be made in terms thereof. As I am satisfied that the terms of settlement are fair and reasonable, I make an Award in terms thereof.

3. No order as to costs.

Sd./- SALIM M. MERCHANT,
Presiding Officer,
Central Government Industrial
Tribunal Bombay.

ANNEXURE 'A'

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BOMBAY

REFERENCE No. C.G.I.T. 59 OF 1964

Employers in relation to Messrs Cawasji Behramji & Co. Bombay.

AND

Their workmen

MAY IT PLEASE THE TRIBUNAL :

We the parties to the above dispute beg to state that we have reached the following settlement and pray that an award be made in terms of the settlement.

Messrs Cawasji Behramji & Co. without prejudice to their contentions, agree to pay each of the 9 workmen directly concerned in this dispute, whose names are mentioned below, the following amount in full and final satisfaction of all their claims including the claim for reinstatement in service with back wages.

1. Shri Ramchandra Mewalal	Rs. 160
2. Shri Chottu Kalidas	Rs. 120
3. Shri Ibrahim Abdul Razak	Rs. 160
4. Shri Raghunath	Rs. 160
5. Shri Shanker	Rs. 120
6. Shri Ram Gopal	Rs. 120
7. Ramchodas Bhole	Rs. 120
8. Ahmed Ibrahim	Rs. 160
9. Shri Nandu	Rs. 120

Payment to be made on 5th April 1965 in the office of the company.

Photo passes held by—(1) Shri Ramchandra Mewalal (2) Shri Ibrahim Abdul Razak, (3) Shri Raghunath, (4) Shri Ahmed Ibrahim shall be returned by them to Messrs Cawasji Behramji & Co. on 5th April 1965 and they undertake to return the same to the Bombay Port Trust.

Bombay, dated the 31st Day of March, 1965

For the Workmen:

1. (Sd.) D. M. TULPUL, General Secretary,
Bombay Stevedors & Dock Labourers Union,
Bombay.
2. (Sd.) M. K. KHATEEB, Organising Secretary,
Bombay Stevedors & Dock Labourers Union,
Bombay.

For M/s. Cawasji Behramji &
Company, Bombay.
F. B. MEHTA,
Partner.

Signatures of the Workmen:

1. Ramchandra Mevalal.
2. L.T.I. of Chhotu Kalidas.
3. L.T.I. of Ibrahim Abdul Razak.
4. L.T.I. of Raghunath.
5. Shanker.
6. L.T.I. of Rama Gopal.
7. Ramchoddas Bhole.
8. L.T.I. of Ahmed Ibrahim.
9. L.T.I. of Nandu.

Bombay, the 31st March, 1965.

Before me:

Sd./- **SALIM M. MERCHANT,**
Presiding Officer,
Central Government Industrial Tribunal,
Bombay.
[No. 28/37/64.LRIV.]

ORDER

New Delhi, the 7th April 1965

S.O. 1210.—Whereas the employers in relation to the Vulcan Insurance Company Limited, Bombay and its workmen represented by the Vulcan Insurance Company Limited Staff Union, Bombay have jointly applied to the Central Government in the manner required by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) for reference of an industrial dispute between them to a Tribunal in respect of the matters set forth in the said application and reproduced in the Schedule hereto annexed;

And, whereas the Central Government is satisfied that the said Vulcan Insurance Company Limited Staff Union, Bombay represents the majority of the workmen;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

Whether the terms and conditions of service of the workmen employed by Messrs Vulcan Insurance Company Limited in its branch offices at New Delhi and Madras in respect of the following matters, call for any revision and, if so, in what respect, and from which date:—

- (1) Scales of Pay
- (2) Dearness Allowance
- (3) Other Allowances
- (4) Age of retirement
- (5) Leave
- (6) Gratuity

[No. 74(6)/65-LRIV.]

O. P. TALWAR, Under Secy.

CENTRAL BOARD OF DIRECT TAXES

CORRIGENDUM

New Delhi, the 6th April 1965

S.O. 1211.—In exercise of the powers conferred by Section 126 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendment to the Schedule annexed to its Notification No. 1 (F. No. 55/233/63-IT) dated the 18th May, 1964:—

In the said Schedule against serial No. 4, for the existing entries in columns 2, 3 and 5, the following entries shall be substituted:—

	<i>or</i>	<i>Read</i>
Column 2	. All employees of the North East Frontier Railway who are under the audit control of Financial Adviser and Chief Accounts Officer, Kurseong.	All employees of the North East Frontier Railway who are under the audit control of Financial Adviser and Chief Accounts Officer, New Jalpaiguri (West Bengal)
Column 3	. Income-tax Officer, B-Ward, Darjeeling.	Income-tax Officer, B-Ward, Siliguri Income-tax Circle, Siliguri.
Column 5	. Appellate Assistant Commissioner of Income-tax, 'L' Range, Calcutta.	Appellate Assistant Commissioner of Income-tax, Jalpaiguri Range, Jalpaiguri.

(No. 3. (F. No. 55/255/64-IT).]

G. M. KULKARNI, Under Secy.